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HOUSE JOURNAL

OF THE

TWELFTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA,

BEGUN AT HELENA, THE CAPITAL OF SAID TERRITORY, ON THE
TENTH DAY OF JANUARY, A. D. 1881, AND CONCLUDED
ON THE TWENTY-THIRD DAY OF
FEBRUARY, A. D. 1881.

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SALT LAKE CITY, UTAH.

1881.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

JOHN J. DONNELLY, <i>Speaker</i> .	MICHAEL HANLEY.
ELIZUR BEACH.	CURT L. HARRINGTON.
JOHN M. BELL.	CHRISTIAN B. HOUSER.
HENRY N. BLAKE.	ROBERT G. HUMBER.
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STEPHEN DEWOLFE.	OSCAR A. SEDMAN.
AMOS EASTMAN.	JOHN STEDMAN.
JAMES H. GARLOCK.	ENOCH WILSON.

JAMES E. KANOUSE, *Chief Clerk*.
JAMES N. KEMPER, *Enrolling and Engrossing Clerk*.
D. H. LINEBARGER, *Sergeant-at-arms*.
H. V. B. GIBSON, *Watchman*.
LEON A. LACROIX, *Messenger*.
REV. W. SCOTT STITES, *Chaplain*.

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ATTORNEY GENERAL,

THOMAS J. LOWRY,	HELENA.
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2d District—ALEXANDER E. MAYHEW,	DEER LODGE.
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CLERK OF SUPREME COURT,

ISAAC R. ALDEN,	HELENA.
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SUPERINTENDENT OF PENITENTIARY,

W. W. BOTKIN,	DEER LODGE.
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TWELFTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA.

HOUSE JOURNAL.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, January 10th, 1881.

Pursuant to law, the House of Representatives of the Twelfth Legislative Assembly of the Territory of Montana, was called to order by Jas. E. Kanouse, Chief Clerk of the Eleventh Legislative Assembly, at 12 o'clock M., on Monday, the 10th day of January, A. D. 1881.

The roll of members-elect was called, when the following named gentlemen appeared and answered to their names:

From the county of Lewis and Clarke: W. E. Cullen, Elizur Beach, H. M. Parchen and John Stedman.

From the county of Deer Lodge: C. B. Houser, R. G. Humber, Israel Clem and John M. Bell.

From the county of Madison: O. A. Sedman.

From the county of Jefferson: Enoch Wilson.

From Jefferson and Madison counties (jointly): Amos Eastman.

From the county of Gallatin: Michael Hanley.

From the county of Meagher: Jacob Powers.

From the counties of Custer and Meagher: C. L. Harrington.

From the county of Chouteau: J. J. Donnelly.

From the county of Beaverhead: J. C. Rogers.

From the county of Missoula: Henry Chambers.

The following named gentlemen were placed in nomination for Speaker *pro tem.*: W. E. Cullen of Lewis and Clarke, and J. J. Donnelly of Chouteau.

On motion of Mr. Harrington, the House proceeded to an election by ballot, which resulted in Mr. Cullen receiving nine votes, and Mr. Donnelly ten votes. Mr. Donnelly having received a majority of the votes cast, was declared duly elected Speaker *pro tem.*

On motion of W. E. Cullen, Jas. E. Kanouse was elected Chief Clerk *pro tem.*

Mr. Harrington moved the appointment of a Committee on Credentials, which motion prevailed; the chair appointing as such committee, C. L. Harrington, J. M. Powers and W. E. Cullen.

On motion, John Quirk was elected Sergeant-at-arms *pro tem.*

On motion of Mr. Sedman, the House took a recess until 3 o'clock p.m.

3 O'CLOCK P.M.

House resumed.

Mr. Speaker *pro tem.* in the chair.

Roll called—quorum present.

Absent—H. N. Blake, J. H. Garlock, H. A. Kennerly and J. H. Pardee.

The Committee on Credentials reported as follows:

Mr. Speaker:

We, your Committee on Credentials, beg leave to report that we have examined the credentials of the members present, and find the following named gentlemen entitled to seats in this Assembly, viz:

Beach, Elizur, Lewis and Clarke county.

Bell, John M., Deer Lodge county.

Corbly, A. L., Gallatin county.

Chambers, Henry, Missoula county.

Clem, Israel, Deer Lodge county.

Cullen, W. E., Lewis and Clarke county.

Donnelly, J. J., Chouteau county.

DeWolfe, Stephen, Deer Lodge county.

Davis, W. D., Beaverhead and Missoula counties.

Eastman, Amos, Madison and Jefferson counties.

Hanley, Michael, Gallatin county.

Houser, C. B., Deer Lodge county.

Humber, Robt. G., Deer Lodge county.

Harrington, C. L., Meagher and Custer counties.

Kennerly, Henry A., Chouteau county.

Powers, J. M., Meagher county.

Parchen, Henry M., Lewis and Clarke county.

Rogers, J. C., Beaverhead county.

Sedman, O. A., Madison county.
Stedman, John, Lewis and Clarke county.
Wilson, Enoch, Jefferson county.
All of which is respectfully submitted.

C. L. HARRINGTON,
J. M. POWERS,
W. E. CULLEN.

On motion of Mr. Kennerly, the report was adopted, and the Committee discharged.

Mr. Beach moved the appointment of a committee to wait on the Chief Justice, and request his presence for the purpose of administering the oath of office to the members of the House; which motion prevailed; Mr. Speaker designated as such committee, Messrs. Beach and DeWolfe.

Chief Justice D. S. Wade, was introduced, and administered the oath of office to the members present.

On motion of Mr. Harrington, the House adopted for its government the rules of the House of the Eleventh Session.

Mr. Kennerly moved to adjourn to 10 o'clock a.m., to-morrow, which motion was lost.

Mr. Clem moved that the House proceed to the election of its permanent officers, which motion prevailed.

Nominations for Speaker being in order Mr. Cullen nominated Mr. J. J. Donnelly.

Mr. Sedman nominated Mr. H. N. Blake.

No other nominations being made, the House proceeded to ballot, Mr. Donnelly receiving fourteen votes, and Mr. Blake five votes.

Mr. Donnelly having received a majority of the votes cast, was declared duly elected Speaker of the House.

Mr. Cullen nominated for Chief Clerk of the House, Jas. E. Kanouse.

There being no further nominations, the House, on motion of Mr. DeWolfe, proceeded to vote *viva voce*, when J. E. Kanouse was declared duly elected Chief Clerk.

Mr. Harrington nominated James W. Kemper for Engrossing and Enrolling Clerk.

There being no further nominations, Mr. Kemper was elected by acclamation.

Mr. Wilson nominated for Sergeant-at-arms, David H. Linebarger.

Mr. Stedman nominated W. A. Wood.

A ballot being had, Mr. Linebarger received seventeen votes, and Mr. Wood received four votes.

Mr. Linebarger was declared duly elected Sergeant-at-arms.

Mr. Wilson nominated as Watchman, H. B. Gibson.

Mr. Parchen nominated F. C. Meyer.

Mr. Stedman nominated Mr. Woodcock.

A ballot was had resulting as follows: Mr. Gibson received fifteen votes, Mr. Meyer three votes, Mr. Woodcock two votes.

Mr. Gibson, having received a majority of the votes cast, was declared duly elected.

Mr. Wilson nominated for Page and Messenger, Leon LaCroix, and there being no other nominations, he was elected by acclamation.

Mr. Beach nominated for Chaplain, Rev. G. A. Hoffman.

Mr. Cullen nominated Rev. W. S. Stites.

The House proceeded to ballot, when Mr. Hoffman received eight votes, and Mr. Stites received ten votes, and was declared duly elected.

On motion of Mr. Kennerly, a committee was appointed to wait on the Rev. Mr. Stites, and notify him of his election, Mr. Speaker designating as such committee, Mr. Cullen and Mr. Parchen.

On motion of Mr. Beach, the House adjourned to 10 a.m. to-morrow.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana,
January 11th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Clem, of Deer Lodge, moved the following:

Resolved, That a committee of three be appointed by the chair to proceed to the Chamber of the Council, and inform that body that the House has organized by the election of the following officers, to wit:

Speaker—HON. J. J. DONNELLY;

Chief Clerk—JAS. E. KANOUSE;

Enrolling and Engrossing Clerk—JAMES W. KEMPER;

Sergeant-at-arms—DAVID H. LINEBARGER;

Watchman—H. V. B. GIBSON;

Messenger—LEON LACROIX;

Chaplain—REV. W. S. STITES;

And is now ready to proceed with the business of the session.

The resolution was adopted and in conformity therewith, Mr. Speaker appointed Mr. Clem, Mr. Wilson and Mr. Beach.

Mr. Harrington moved the appointment of a committee on House rules, which motion prevailed, and Mr. Speaker appointed as such committee Mr. Harrington, Mr. Cullen and Mr. DeWolfe.

Mr. Cullen presented the credentials of Jas. H. Garlock and H. N. Blake, members-elect to the House, and moved their acceptance; which motion prevailed.

Mr. Sedman moved the appointment of a committee of three on joint rules.

Mr. Speaker decided the motion not in order.

Chief Justice Wade was introduced and administered the oath of office to members-elect Garlock and Blake.

On motion of Mr. Harrington, the House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Beach offered the following:

Resolved, That the privilege of a seat on the floor of the House be extended to the Territorial Executive Officers, the Judges of the Supreme Court, members of the Council, members of the bar, and the reporters of the press.

On motion of Mr. Harrington, the resolution was adopted.

On motion, the House adjourned to 10 o'clock a.m. on Wednesday.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana,
January 12th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Clem reported as follows:

Mr. Speaker:

We, your Committee appointed to wait upon the Council and inform that body of the organization of the House, beg leave to report that we have performed the duty assigned us.

The report was received and the committee discharged.

Mr. Clem moved the following:

Resolved, The Council concurring, that a committee of five, consisting of two members of the Council and three members of the House, be appointed on joint rules for the government of the two Houses of the Legislative Assembly at the present session.

Mr. Blake made the point of order that, as the House had received no notice of the organization of the Council, the resolution was premature.

Mr. Speaker sustained the point, and ruled the resolution not in order.

The Committee on Rules reported as follows:

Mr. Speaker:

Your Committee on Rules for the government of the House, beg leave to report the following rules, and recommend their adoption:

No. 1—*Speaker*. The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the House.

In case the Speaker is absent, or fails from any cause to take the chair, the House shall appoint a Speaker *pro tem*.

No. 2—*Quorum*. Upon the appearance of a quorum the Journal of the preceding day shall be read by the Clerk, and any mistakes therein may be corrected by the House.

No. 3—*Order*. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House.

No. 4—*Speaker shall Vote*. The Speaker shall vote on all questions taken by yeas and nays (except upon appeals from his own decision), and in all elections and divisions called for by any member.

No. 5—*Members shall Remain Seated*. When the House adjourns, the members shall keep their seats until the Speaker announces the adjournment.

No. 6—*Proper Decorum*. Every member, previous to speaking, shall rise from his seat, and respectfully address himself to the Speaker.

No. 7—*Two or More*. When two or more members rise at once, the Speaker shall designate the member who is first to speak, but in all cases the member who shall first rise and address the chair shall speak first.

No. 8—*Not to Speak More than Twice*. No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the question pending, shall have spoken.

No. 9—*Motions to be Seconded*. No motion shall be debated or put unless the same shall be seconded. It shall be stated by the Speaker, and any such motion shall be reduced to writing if the Speaker, or any member, shall desire it.

No. 10—*Motions in Possession of the House*. After any motion shall be stated by the Speaker it shall be in possession of the House, but may be withdrawn at any time before amendment or decision; but all motions, resolutions, or amendments shall be entered upon the Journal, whether they are rejected or adopted.

No. 11—*Debate*. When a question is under debate no motion shall be received, except: 1st. To adjourn. 2d. To lay on the table. 3d. For the previous question. 4th. To postpone to a day certain. 5th. To commit to a standing committee. 6th. To commit to a select committee. 7th. To amend. 8th. To postpone indefinitely. And these several motions shall have precedence in the order in which they stand arranged, and a call of the House may be made by a demand of two members.

No. 12—*Adjournment*. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote

is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13—*Previous Question.* The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and then upon the main question.

On a motion for the previous question, and prior to the seconding of the same, one call of the House shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14—*Same.* When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall remain as the question before the House, in the same stage of proceedings as before the previous question was made.

No. 15—*Incidental Questions.* All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the House shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

No. 16—*Petitions.* Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

No. 17—*Voting.* Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the House shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18—*When the Question is being put.* When the Speaker is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19—*Several Points.* If the question in debate contains several points, any member may have the same divided.

No. 20—*Members Called to Order.* A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise and ask the chair to put his motion to the House, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the chair be sustained?"

No. 21—*Introduction of Bills.* Every bill shall be introduced by a motion for leave, or by an order of the House, or on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice.

Every notice for leave to bring in a bill (and every notice to bring in a bill), shall be in writing, and shall contain the title of the bill.

No. 22—*Bills Endorsed.* Every bill, before being introduced, shall have endorsed thereon the title of the same, and every bill and resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

No. 23.—*Bills to be Read.* All bills, memorials, or joint resolutions, shall be read at length, the first time for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading, without a question.

No. 24—*Second Reading.* All bills, memorials, or joint resolutions, on their second reading, shall be read by their title, and the question taken up on their commitment, amendment, or engrossment, for a third reading.

No. 25—*Third Reading.* All bills, memorials, or joint resolutions, on their third reading, shall be read at length, and no amendments shall be in order except by unanimous consent of the House.

No. 26—*Second and Third Readings.* All bills shall be read three times before their final passage, and may be read twice on the day of presentation, unless otherwise ordered; and no bill shall be passed unless it shall have been read once at length.

No. 27—*No Amendment.* No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment; no bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

No. 28—*Committee of the Whole.* In forming a committee of the whole House, the Speaker shall appoint a chairman to preside.

No. 29—Bills committed to the committee of the whole House shall, in the Committee of the Whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered.

All amendments shall be made in writing, and reported to the committee by the chairman.

No. 30—*Questions in Committee of the Whole.* All questions, whether in committee or in House, shall be put in the order in which they are moved, except in cases of privileged questions, and in filling up blanks, when the largest sum and longest time shall be first put.

No. 31—*Same Mode.* A similar mode of proceeding shall be observed with bills which have originated in and passed the Council as with bills originating in the House, except they shall not be printed.

No. 32—*Reconsideration.* No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

No. 33—*Motion to Reconsider.* When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

No. 34—*Who shall Move for a Reconsideration.* Any member that votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for reconsideration shall be decided by a majority of votes.

No. 35—*When Lost.* In all cases when the House shall be equally divided the question shall be lost, except appeals from decisions of the chair.

No. 36—*House Rules observed in Committee of the Whole.* The rules of the House shall be observed in committee of the whole House so far as may be applicable, except that yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

No. 37—*Committee Rise.* A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 38—*Standing Committees.* Standing committees, consisting of three or five members each, at the option of the Speaker, shall be appointed on the following subjects:

1. Ways and Means;
2. Judiciary;
3. Territorial Affairs;
4. Internal Improvements;
5. Roads and Highways;
6. Public Lands;
7. Grazing and Stock Growing;
8. Federal Relations;
9. Education and Labor;

10. Towns and Counties;
11. Military Affairs;
12. Incorporations;
13. Agriculture and Manufacture;
14. Elections;
15. Indian Affairs;
16. Mines and Minerals;
17. Engrossment;
18. Enrollment;
19. Printing.

No. 39—*Engrossment.* The Committee on Engrossment shall examine all bills after they are engrossed, and report the same to the House (correctly engrossed) before the third reading. Said committee may report at any time.

No. 40—*Enrollment.* The Committee on Enrollment shall examine all House bills, and joint resolutions which have passed the two Houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the Council and House for their signatures, and when so signed to go to the Governor for his approval. Said committee may report at any time.

No. 41—*Select Committees.* Select committees, to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the House.

No. 42.—In all cases where a bill, order, resolution, or motion shall be entered on the Journal of the House, the name of the member moving the same shall be entered on the Journal.

No. 43—*Clerk to make a List of all Bills.* The Speaker of the House shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other proceedings of the House which are committed to a Committee of the Whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by two-thirds of the House; and the Clerk shall also keep a book showing the situations and progress of bills.

No. 44—*Speaker to Announce the Order of the Day.* On the meeting of the House, after the reading of the Journal of the preceding day, the order of business for the day shall be as follows:

1. Presentation of Petitions;
2. Reports of Standing Committees;
3. Reports of Select Committees;
4. Notices;
5. Introduction of Bills;
6. Motions and Resolutions;

7. Consideration of Messages from the Council;
8. Reading of House Bills, Resolutions, and Memorials;
9. Third reading of the same;
10. Third reading of the Council Bills;
11. Consideration of the General Orders;
12. Unfinished Business.

No. 45—*Several Motions.* Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided and the question of concurrence taken separately upon each modification or amendment.

No. 46—*General Orders.* When the House has arrived at the general order of the day they shall go into Committee of the Whole upon such orders, or particular order designated by a vote of the House, and no other business shall be in order until the whole are considered, or passed, or the committee rise. And unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon, or pass upon the general orders according to the order of their reference.

No. 47—*Speaker to Leave the Chair.* The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

No. 48—*Parliamentary Practice.* The rules of parliamentary practice embraced in Jefferson's Manual shall govern the House in all cases when they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the House and Council.

No. 49—The privileges of the floor of the House are hereby accorded:

- First. To the Governor;
- Second. To the members of the Council;
- Third. To the Chief Justice and Associate Justices of the Supreme Court;
- Fourth. To the Secretary, and other territorial officers;
- Fifth. To the executive, judicial, and legislative officers of other states, territories, and counties;
- Sixth. To the officers of the Legislative Council.
- Seventh. To the Secretary of the Governor;
- Eighth. To the former members of the House of Representatives;
- Ninth. To one representative from each of the territorial newspapers, to be designated by the proprietors thereof;
- Tenth. To such persons as by name have received thanks of the two Houses of the Legislative Assembly.

No. 50—*Time of Meeting.* The hour of the daily meeting of the House shall be 10 o'clock in the morning, until the House directs otherwise.

No. 51—*Yeas and Nays*. The yeas and nays shall not be ordered unless demanded by two members, except on the final passage of the bills, joint resolutions, and resolutions making appropriations of money; in which case the yeas and nays shall be made without demand.

No. 52—*Printed*. All House bills of a general nature, shall, after their second reading, be printed without special order from the House.

No. 53—*Memorials to Congress*. All memorials to Congress, or to any officer, or authority of the government, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council, and forthwith transmitted by the Chief Clerk of the respective Houses in which they originated, to the President of the Senate, the Speaker of the House of Representatives, in Congress, and to the authority memorialized, and a copy to our Delegate in Congress.

No. 54—*Titles and Reports of Proceedings*. Titles of bills introduced in the House shall be as brief as possible, indicating substantially the purport of the same; and all proceedings of the House wherein action is taken upon bills, resolutions and motions, shall be kept by the Clerk in full, upon the Journal; in all cases giving the title of each bill or resolution. But the second and all subsequent references shall be complete where such bill or resolution is referred to by its number. The substance of each motion shall be given, when reference is made to the same, and all resolutions offered shall appear in full upon the Journal.

No. 55—*Suspend, Alter, or Amend*. No rule of the House shall be suspended, altered, or amended, without the concurrence of two-thirds of the members present.

On motion of Mr. Blake, the report was received, and the rules adopted as the rules of the House.

Mr. Wilson moved a recess until 11 o'clock a.m., which motion was lost.

Mr. Corbly moved a recess until 11:30 a.m., which motion prevailed.

11:30 A.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

A communication was received from the Council, announcing officers elected by that body as follows:

President—JOS. K. TOOLE;

Chief Clerk—HARRY R. COMLY;

Enrolling and Engrossing Clerk—HADEN E. RIDDLE;

Sergeant-at-arms and Doorkeeper—THOMAS HARPER;

Watchman—BUCHANAN DILLARD;

Messenger—DANNIE SWEENEY.

Mr. Blake offered the following:

Resolved, The Council concurring, that a committee of five, consisting of three members of the House, and two members of the Council be appointed to wait upon the Governor, and inform him that the two Houses have organized permanently, and are ready to receive any communication he may have to make.

The resolution was adopted, and Mr. Speaker appointed, in conformity therewith, Mr. Blake, Mr. DeWolfe and Mr. Beach, as the House members of said Committee.

The following message was received from the Council:

COUNCIL CHAMBER,

January 12, 1881.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that Ford introduced C. B. No. 1, "An Act to provide for committee clerks," which has passed the Council and is herewith transmitted.

HARRY R. COMLY,
Chief Clerk.

Mr. Clem moved the following:

Resolved, The Council concurring, that a committee of five, consisting of two members of the Council, and three members of the House, be appointed on Joint Rules for the government of the two Houses of the Legislative Assembly, at the present session.

The resolution was adopted, and Messrs. Clem, Cullen and Garlock was appointed as such committee upon the part of the House.

Council Bill No. 1, "An Act to provide for committee clerks," was read first and second times, and referred to a Special Committee, consisting of Mr. Cullen, Mr. Harrington and Mr. Humber.

On motion, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Cullen reported as follows:

Mr. Speaker :

Your Special Committee, to whom were referred Council Bill No. 1, beg leave to report that they have had the same under consideration, and respectfully report the same back to the House, recommending that the same do not pass, but in lieu thereof, they recommend the passage of the accompanying House Joint Resolution.

Mr. Cullen moved to suspend the rules, and take up Council Bill 1, which motion prevailed by the following vote:

Ayes—Beach, Blake, Chambers, Clem, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—20.

Nays—Bell, Corbly and Powers—3.

Absent—Pardee—1.

The bill was then read third time, and lost as follows:

Ayes—Chambers—1.

Nays—Beach, Bell, Blake, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Absent—Pardee—1.

H. J. R. 1, "Authorizing certain committees to employ clerks," was read first and second times, and

Mr. Corbly moved to amend as follows: Strike out the words "five dollars," and insert in lieu thereof "four dollars;"

And the ayes and nays being called for, the amendment was adopted by the following vote:

Ayes—Beach, Blake, Clem, Corbly, Davis, DeWolfe, Eastman, Houser, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—14.

Nays—Bell, Chambers, Cullen, Garlock, Hanley, Harrington, Humber, Kennerly and Parchen—9.

Absent—Pardee—1.

The amendment was engrossed in the presence and by direction of the House, and under a suspension of the rules, the resolution was read third time and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Nays—Humber—1.

Absent—Pardee—1.

Title agreed to.

Notice of the introduction of bills was given as follows:

By Mr. Cullen—"An Act to provide for the issuing of duplicate county warrants in certain cases."

By Mr. Blake—"An Act to amend Section 286 of the Criminal Practice Act, approved January 12th, 1872."

Also, "An Act to repeal an act entitled 'An Act to prevent unlawful interference with private rights and private property,' approved February 21st, 1879."

Also, "An Act to establish the rate of interest on territorial and county warrants."

On motion of Mr. Sedman, House took recess until 3:15 p.m.

3:15 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Beach gave notice of the introduction of a bill for "An Act to fix compensation for board of prisoners confined in the several county jails."

On motion of Cullen, the House adjourned to 10 a.m., on Thursday.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,

Helena, Montana,

January 13th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
January 12, 1881.

Mr. Speaker:

I am directed by the Council to inform your honorable body that the Council concurred in H. C. R. No. 1, referring to communicating with the Governor, and afterwards reconsidered the same, and directed the Chief Clerk to inform your honorable body that the Council, through its committee, had already informed the Governor of its organization, and had received communications from him.

That the Council has concurred in H. C. R. No. 2 on Joint Rules, and the President has appointed Messrs. Ford and Browne as the committee contemplated therein.

That C. C. R. No. 1 has passed the Council, and it, with H. C. R. No. 2, is herewith transmitted.

HARRY R. COMLY,
Chief Clerk.

Mr. Cullen moved the appointment of a committee of two to wait on the Governor, and inform him of the organization of the House, upon which motion the ayes and nays were called for, when the motion was lost by the following vote:

Ayes—Chambers, Cullen, Garlock, Hanley, Humber and Kennerly—6.

Nays—Beach, Bell, Blake, Clem, Corbly, Davis, DeWolfe, Eastman, Harrington, Houser, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—17.

Absent—Pardee—1.

Mr. Cullen introduced the following concurrent resolution with reference to printing:

Resolved, By the House, the Council concurring, that a committee of two be appointed by the Speaker to act with a like committee from the Council to wait upon the Secretary, and inquire what arrangements, if any, have been made for the printing of bills introduced in the respective houses, and doing other incidental printing of the session.

The resolution was adopted, and Mr. Speaker appointed as the committee contemplated, Mr. Cullen and Mr. DeWolfe.

Mr. DeWolfe offered the following concurrent resolution:

Resolved, By the House of Representatives, the Council concurring, that a special committee, composed of two members from the House and four from the Council, be appointed to ascertain and report upon what terms the printing of the laws, passed at the special session of the Legislature, which convened at the Capital of the Territory, on the first day of July, A. D. 1879,

can be obtained. Said laws to be printed on a slip for the use of the members of the present Legislature.

The resolution was adopted, and Mr. DeWolfe and Mr. Cullen were appointed as such committee on the part of the House.

The Committee on Joint Rules reported the following:

Mr. Speaker:

Your Committee on Joint Rules, would respectfully recommend that the Joint Rules of the Eleventh Session of the Montana Legislature be adopted with the following amendments:

In Rule 7, strike out, in line two, after the word "Chief," "or assistant."

Substitute for Rule 10 the following: "The Journal of each House shall give the title and number of each bill, joint resolution or memorial, but the second and all subsequent references shall be complete when referred to by its number."

CLEM,
CULLEN,
GARLOCK.

The report was adopted.

Mr. Sedman moved to amend Rule 6 so as to read as follows:

"Rule No. 6. Neither House, during the session, shall adjourn for more than one day, nor to any other place than that in which such House shall regularly be sitting, without the consent of the other;" which was adopted by the following vote:

Ayes—Bell, Blake, Chambers, Eastman, Garlock, Harrington, Houser, Humber, Parchen, Powers, Sedman, Stedman and Wilson—13.

Nays—Beach, Clem, Corbly, Cullen, Davis, DeWolfe, Hanley, Kennerly, Rogers and Mr. Speaker—10.

Absent—Pardee—1.

On motion of Mr. Cullen, the Joint Rules, as amended, were adopted.

Mr. Speaker gave notice of the appointment of Standing Committees, as follows:

Ways and Means—Beach, Houser, Humber, Parchen and Davis.

Judiciary—Cullen, DeWolfe, Garlock, Sedman and Corbly.

Territorial Affairs—DeWolfe, Parchen and Kennerly.

Internal Improvements—Houser, Chambers and Hanley.

Roads and Highways—Hanley, Stedman and Corbly.

Public Lands—Powers, Eastman and Hanley.

Grazing and Stock Growing—Humber, Sedman and Wilson.

Federal Relations—Wilson, Beach and Bell.

Education and Labor—Rogers, Clem and Parchen.

Towns and Counties—Clem, Houser and Harrington.

Military Affairs—Kennerly, Bell and Pardee.

Corporations—Chambers, Blake and Garlock.

Agriculture and Manufactures—Eastman, Wilson and Hanley.

Elections—Davis, Corbly and Pardee.

Indian Affairs—Corbly, Powers and Kennerly.

Mines and Minerals—Sedman, Clem and Harrington.

Engrossment—Blake, Kennerly and Davis.

Enrollment—Garlock, Pardee and Rogers.

Printing—Harrington, Humber and Beach.

Mr. Cullen moved that the House insist on its action, asking appointment of Joint Committee to wait on the Governor, and ask the Council to recede from its action in relation thereto, which motion prevailed.

On motion of Mr. Sedman, the House took a recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Notices were given as follows:

By Blake—A bill for an act entitled "An Act defining the qualifications of jurors."

By Stedman—"An Act for regulating and fixing the compensation of county officers."

Also, a bill entitled "An Act to amend Section 644 of an act entitled 'An Act for the preservation of game,' approved Feb. 15th, 1877."

By Sedman—"A bill to amend Sections 1 and 2, Chapter 33, Codified Statutes."

By Kennerly—"An Act to authorize the County Commis-

sioners of the several counties of Montana to provide a system of town government."

The following bills were introduced:

By Blake—H. B. 1, "An Act to amend Section 286 of the Criminal Practice Act, approved Jan. 12th, 1872," which was read first and second times, and referred to the Judiciary Committee.

Also, H. B. 3, "An Act to establish the rate of interest on territorial and county warrants," which was read first and second times, and referred to the Committee on Ways and Means.

Also, H. B. 4, "An Act to repeal an act entitled 'An Act to prevent unlawful interference with private rights and private property,' approved Feb. 21st, 1879," which was read first and second times, and referred to the Committee on Education and Labor.

By Cullen—H. B. 2, "An Act to provide for the issuing of duplicate county warrants in certain cases," which was read first and second times, and referred to the Committee on Ways and Means.

The following message was received from the Council:

COUNCIL CHAMBER,

January 13, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has concurred in H. C. R. 3, "In reference to printing," and Messrs. Ford and Morris have been appointed as the committee therein contemplated.

Also, in H. C. R. 4, "In relation to printing laws of special session," and Mr. Hays is appointed as committee on the part of the Council.

That C. C. R. 2, "Authorizing Auditor to furnish Revised Statutes," has passed the Council, and it, with H. C. R. 3 and H. C. R. 4, are herewith transmitted.

That the Council adheres to its action concerning H. C. R. 1, in relation to a joint committee to inform the Governor, and has passed a resolution explanatory of its action, of which the following is a copy:

Resolved, That the Clerk be authorized to notify the House that the Council committee, heretofore appointed by the Council to act jointly with a committee from the House, to notify the Governor of the organization of the Council, finding that the House had adjourned, deemed it expedient to communicate such information to the Governor without awaiting the delay incident to the appointment of a like committee by the House the next day; whereupon, certain communications were received from the Governor.

That, while the Council disclaims any discourtesy to the House by the action of its committee referred to, it fails to see the propriety, at this time, of joining in the representation of facts to His Excellency, the existence of which has been already recognized and acted upon.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

C. C. R. 1, "Constituting Judiciary Committee of each House a Joint Committee for certain purposes," was read, and, on motion of Mr. Cullen, the House concurred in the same.

On motion, House took a recess until 3.30 p.m.

3:30 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER,
January 13th, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following notices were given:

By Browne—"An Act to consolidate the county offices of Beaverhead and Custer counties."

By Morris—"An Act to authorize the refunding of the outstanding bonded indebtedness of Madison county."

By Hundley—"An Act to prescribe the fees of jurors in Probate and Justices' Courts."

That the Joint Committee on joint rules reported, and the report was adopted by the Council.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

C. C. R. 2, authorizing the Auditor to furnish Revised Statutes, was read, and Mr. DeWolfe moved to amend by inserting the words "Codified Statutes" in lieu of the words "Revised Statutes," which amendment was lost, and the question being on the concurrence in the resolution, the motion was carried.

Mr. Cullen moved that the House insist on its action in reference to H. C. R. 1, in relation to a Joint Committee to wait on the Governor, and ask the appointment of a Committee of Conference, which motion prevailed.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,

January 14th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Notice of the introduction of bills was given as follows:

By Mr. DeWolfe—"An Act to create the county of Silver Bow, and for the election of officers therein."

Also, "An Act to amend an act entitled 'An Act to incorporate the town of Butte.'"

By Mr. Blake—"An Act concerning the Territorial Library."

By Mr. Parchen—"An Act to provide for the support and maintenance of the Helena Fire Department."

Mr. Blake introduced H. B. 5, "An Act defining the qualifications of jurors," which was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Council:

COUNCIL CHAMBER,

January 14th, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has amended H. C. R. 1, and as amended, has concurred in the

same. The resolution, with amendments attached, is herewith transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The amendments were as follows: Strike out "two houses have," and insert in lieu thereof "House of Representatives has." Strike out "are" where it is underscored, and insert "is."

Mr. Corbly moved the following:

Resolved, That the further consideration of bills, reports and other resolutions be suspended until an agreement is arrived at between the House and Council in relation to the appointing of a Joint Committee to wait on the Governor, and inform him of the organization of the two branches of the Legislature.

On motion of Mr. Cullen, the subject of disagreement between the House and Council was laid upon the table.

On motion of Mr. Beach, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER,

January 14th, 1881.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that Mr. Kerley gave notice of the introduction of "A bill to amend the act prescribing the duties of County Commissioners, approved February 5, 1876."

That the Council has concurred in House amendment to Joint Rule 6.

Mr. President has decided that a Committee of Conference cannot be appointed on H. C. R. 1, until the Council is informed that the House has appointed such a committee, upon which the Council will appoint one under the rules.

Yours respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake moved that a Committee of Conference be appointed, which motion prevailed, and Mr. Speaker appointed as such committee, Mr. Blake, Mr. Houser and Mr. Cullen.

Mr. Cullen moved to take from the table the resolution of Mr. Corbly, relating to the disagreement between the House and Council as to the appointment of a Joint Committee to wait upon the Governor. And the ayes and nays being demanded, the following was the result:

Ayes—Beach, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Rogers, Stedman and Wilson—17.

Nays—Bell, Humber, Powers, Sedman and Mr. Speaker—5.

Absent—Parchen and Pardee—2.

Two-thirds voting in the affirmative, the motion was carried, and the question being upon the passage of the resolution,

Mr. Blake moved it be made the special order for 11 o'clock a.m. on Saturday, which motion prevailed.

On motion, House took recess until 3 o'clock p.m.

3 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER,
January 14, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. J. R. No. 1, "Authorizing committees to employ clerks," has passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. DeWolfe reported as follows:

Mr. Speaker:

Your committee to whom were referred the joint resolution to ascertain and report on what terms the laws passed at the Extraordinary Session of the Legislature, convened July 1st, 1879, could be printed for the use of the members of the present Legislature, have made inquiry on the subject, and report that

they can procure one hundred copies of said laws printed on slips at a cost not exceeding thirty dollars.

On motion of Mr. Humber, the report was received and the committee discharged.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. No. 3, entitled "An Act to establish the rate of interest on territorial and county warrants," respectfully report the same back to the House with the following amendment, and as so amended, recommend that it do pass.

Amend by striking out the word "seven" in line five, section one (1), of said bill, and in lieu thereof insert the word "six."

Mr. DeWolfe in the chair.

Mr. Donnelly moved that H. B. 3, together with the amendment recommended by the Ways and Means Committee, be made special order for 3 o'clock p.m., January 15th, which motion prevailed.

Mr. Blake moved the following:

Resolved, The Council concurring, that the Committees on Printing of the House and Council, be authorized to procure for the use of the members of the Legislative Assembly, printed copies of the laws passed at the Extraordinary Session of the Eleventh Session of the Legislative Assembly, not exceeding two hundred and fifty copies thereof.

The resolution was adopted.

On motion, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

SIXTH DAY.

HOUSE OF REPRESENTATIVES,

January 15th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Notice of the introduction of "A bill to amend Sections 178 and 179, Chapter 12, Page 310, of the Codified Statutes," was given by Mr. Kennerly.

Mr. DeWolfe introduced H. B. 6, "An Act to create the county of Silver Bow, and for the election of officers thereof," which was read first and second times, and,

On motion of Mr. Cullen, was referred to the Committee on Printing, with instructions to have printed a sufficient number of copies for the use of the members of the House and Council.

The Committee on Enrollment reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment, to whom were referred H. J. R. 1, "Authorizing appointment of committee clerks," beg leave to report the same back correctly enrolled.

J. H. GARLOCK,
Chairman.

The following message was received from the Council:

COUNCIL CHAMBER,
January 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the President has appointed Messrs. Hundley, Hays and Browne, a Committee of Conference on the part of the Council on the disagreement between the two Houses concerning H. C. R. 1.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Speaker announced that he was now about to sign H. J. R. 1, "Authorizing appointment of committee clerks."

The hour of 11 o'clock a.m. having arrived, the House proceeded to the consideration, in Committee of the Whole, of H. C. R. 1, and the resolution relating thereto, being the special order for that hour.

House resumed—Mr. Speaker in the chair.
Mr. Blake, Chairman, reported as follows:

Mr. Speaker:

The House, in Committee of the Whole, has had under consideration H. C. R. No. 1, the amendments of the Council thereto, and the resolution offered by Mr. Corbly, relating thereto, and recommends that the consideration thereof be postponed until 3:30 o'clock this p.m.

On motion, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Corbly, House adopted the report of Committee of the Whole on H. C. R. 1, and in accordance therewith the resolution and papers pertaining thereto were made a special order for 3:30 o'clock p.m. January 15th.

Mr. Blake, by leave of the House, presented the following report:

Mr. Speaker:

Your Committee of Conference with the Council on H. C. R. No. 1, beg leave to report that the committee has conferred with the committee appointed by the Council, and that the said committee could not arrive at any agreement respecting the same; your committee therefore ask that they may be discharged from further action thereon.

The report was received and the committee discharged.

Mr. Blake, on behalf of a majority of the Conference Committee, offered the following:

Resolved, That the action of the Council in appointing, immediately after its permanent organization, a committee of members from its body to wait upon the Executive of this Territory, and inform him that the Council was ready to receive any communication he might be pleased to make, without consulting the House thereon, and the action of said Executive in transmitting thereafter to the Council his biennial message addressed to both Houses of this Legislative Assembly, were contrary to the rules and customs recognized by the law-making bodies;

Resolved, That the House, without waiving its rights and privileges, and protesting against such action, but governed by the sole aim to transact promptly the public business committed to it by the people, hereby requests the Speaker to appoint a com-

mittee of three to notify said Executive that the House has organized and is ready to receive any communication he may have to make.

Mr. Kennerly moved the adoption of the following as a substitute for the resolution:

Whereas, The House of Representatives of the Territory of Montana was duly and permanently organized on the 10th day of January, A. D. 1881, and previous to the organization of the co-ordinate branch of the Legislative Assembly of Montana Territory;

And Whereas, The House of Representatives aforesaid, in compliance with usage and custom, passed a resolution authorizing the appointment of a committee to meet with a like committee from the Council, to wait upon His Excellency the Governor, and inform him that the Legislative Assembly was duly organized and ready to receive any communications His Excellency the Governor might desire to make;

And Whereas, The Council have failed to concur in said resolution;

Therefore, Be it resolved, that the Speaker of this House appoint a committee of two to wait upon the Governor of this Territory, and inform him that the House is permanently organized, and has been since January 10th, 1881, and ever since has been, and is now, ready to receive any communication His Excellency the Governor may have to make.

The ayes and nays were as follows:

Ayes—Chambers, Clem, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Rogers, Wilson and Mr. Speaker—14.

Nays—Beach, Bell, Blake, Corbly, Houser, Parchen, Powers and Sedman—8.

Absent—Pardee and Stedman—2.

On motion of Mr. DeWolfe, the substitute for the resolution was passed by the House.

Mr. Speaker appointed as the committee provided for by the resolution, Mr. Kennerly and Mr. Humber.

The following message was received from the Council:

COUNCIL CHAMBER,
January 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following notices of the introduction of bills were given:

By Mitchell—"An Act to prohibit opium smoking."

By Toole—"An Act concerning costs in certain criminal cases."

The following bills were introduced:

By Browne—C. B. No. 2, "An Act to repeal an act entitled An Act to consolidate the county offices of Beaverhead and Custer counties."

By Hundley—C. B. No. 3, "An Act to prescribe the fees of jurors and witnesses in probate and justices' courts."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
January 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. C. R. 3, "To appoint joint committees on Auditor and Treasurer's report," has passed the Council and is herewith transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The resolution accompanying was as follows:

Resolved, By the Council, the House concurring, that a joint committee of two members of the Council, and three members of the House, be appointed to examine and audit the accounts of the Territorial Auditor and Treasurer, said committee to be empowered to employ an expert, if in their judgment it should be necessary.

On motion of Harrington, the resolution was concurred in, and Mr. Speaker appointed as the committee on the part of the House, Mr. Parchen, Mr. Clem and Mr. Houser.

Mr. Sedman moved the following:

Resolved, That the House expresses its thanks to the Pioneer Bindery for the elegant binding of the Auditor and Treasurer's reports, presented to the members of the House.

The resolution was adopted.

Mr. Sedman moved to suspend the rules for the purpose of considering H. C. R. 1, being the special order for 3:30 p.m.

The motion prevailed, and House went into Committee of the Whole—Mr. Blake in the chair.

House resumed—Mr. Speaker in the chair.
The following report was received:

Mr. Speaker:

The House, in Committee of the Whole, to whom were referred H. C. R. 1, the amendments of the Council thereto, and the resolution of Mr. Corbly of Gallatin, concerning the same, have had the same under consideration, and have directed me to report its recommendation, that the same be postponed indefinitely.

H. N. BLAKE,
Chairman.

The report was adopted.

Mr. Kennerly reported as follows:

Mr. Speaker:

Your committee appointed to wait upon the Governor, to inform him of the organization of this House, have performed their duty, and the Governor requests us to state that he will communicate with the House at once.

The following message was received from the Governor:

HELENA,
January 10, 1881.

To the Legislative Assembly:

Charles H. Snell, Esq., of Helena, is hereby appointed Private Secretary to the Governor; I ask that he be respected accordingly.
Respectfully,

B. F. POTTS.

Mr. Speaker announced that the hour had arrived for the consideration of H. B. 3.

Mr. Sedman moved a call of the House.

Roll called.

Absent—Kennerly and Stedman.

Sergeant-at-arms was directed to bring in the absentees.

On motion of Mr. Sedman, the further call of the House was dispensed with, and House went into Committee of the Whole to consider H. B. 3—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.

The following message of the Governor was read:

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

Throughout the year which has just closed, the people of Montana have prospered in an unusual degree. Agriculture has been prosperous, business has flourished, rich mines have been developed, stock growing has been remunerative, and many public improvements have been projected and successfully prosecuted.

In advance of any general legislation, I will submit to you a brief statement of the financial condition of the Territory, and the several counties, and briefly present my views upon certain questions which appear to me to require legislative action.

The number and value of live stock, as shown by the returns of the assessors of the several counties for the year 1880:

KIND.	NUMBER.	VALUE.
Cattle, ...	272,316	\$ 3,602,474 00
Horses, ...	51,356	1,834,582 00
Sheep, ...	249,978	695,963 00
Mules, ...	2,032	115,823 00
Swine, ...	9,664	40,822 00
Total value, ...		\$ 6,289,664 00

Total assessment of the Territory for the year 1879, \$15,508,880 75.

“ “ “ 1880, \$18,609,802 00.

The following statement of the Territorial Auditor exhibits the indebtedness of the several counties:

NET INDEBTEDNESS OF THE COUNTIES, MARCH 1ST, 1880, AND INCREASE OR DECREASE COMPARED WITH MARCH 1ST, 1879.

COUNTIES.	TOTAL NET INDEBTEDNESS, MARCH 1ST, 1880.	TOTAL NET INDEBTEDNESS, MARCH 1ST, 1879.	INCREASE.	DECREASE.
Beaverhead, . . .	\$ 29,511 26	\$ 25,726 35	\$ 3,786 01	
Chouteau, . . .	24,603 35	7,830 01	16,773 34	
Custer, ...	26,414 06	9,977 97	16,436 09	
Deer Lodge, . . .	62,122 60	39,752 49	22,370 11	
Gallatin, ...	30,069 73	32,422 23		\$ 2,352 50
Jefferson, ...	80,866 52	69,880 49	10,926 03	
Lewis and Clarke	123,040 68	117,218 37	5,822 31	
Madison, ...	84,890 24	81,655 12	3,235 12	
Meagher, ...	26,826 35	30,938 54		4,112 19
Missoula, ...	131,614 97	100,629 00	30,985 97	
Total, ...	\$619,899 86	\$516,030 57	\$110,333 98	\$ 6,464 69

Increase of indebtedness for the year ending February 29th, 1880, \$103,868.29, and accrued interests, not included in statement of March 1st, 1879.

This exhibit is by no means a gratifying one, and is far from sustaining our boasted ability for local self government. If our local indebtedness increases in the same ratio as heretofore, the Territory will not favorably impress Congress when she applies for admission into the Union as a State. This unfortunate condition of affairs cannot be attributed to our present form of territorial government, or the system of appointments which has grown up under it, about which so much complaint is made, but must be chargeable to the people of the several counties in their capacity as citizens. I think much of the evil in county management results from the action of County Commissioners in assuming to exercise legislative functions in paying pretended claims against the counties without authority of law. The Territorial Auditor cannot draw a warrant for the payment of a claim against the Territory without express authority of law. Now, why not apply this provision of law to County Commissioners, and stop a leak which has done much to create the present indebtedness? I do not think County Commissioners should be allowed so much discretion, for bad men will take advantage of it to serve their own purposes and that of their partisans. If a discretion is allowed, a maximum limit to such discretion should be fixed by law.

The fees and salaries of district and county officers are far in excess of a reasonable compensation for the official services performed, and their reduction should receive your immediate attention. An examination of county records will show that county officers generally receive salaries far in excess of any other officers in the Territory. For example, the County Clerks in some of the counties receive more compensation than the Judges of the Supreme Court, and in many of the counties the annual compensation of County Treasurers is one thousand dollars larger than the salary of the Territorial Treasurer. The remedy is in your hands, and I submit to you whether the substance of the people shall continue to be consumed in the payment of high salaries. A large local indebtedness and a high rate of taxation will deter immigration and seriously affect every industry of the Territory. The owners of live stock, in many instances, have changed their stock from counties where a high rate of taxation exists to those where taxation is less, and this change will go on until some of the counties will have but little live stock on their tax duplicate. The counties having the smallest debt and the lowest rate of taxation will, and should, be the most prosperous. I have always favored a statute limiting the power of the several counties to contract a debt beyond a certain amount, and I trust you will concur with me if any new county is organized at the present session. In my opinion, every public officer should receive a fixed salary, and the whole system of compensation by fees should be abolished. The value of the services of Clerks and Sheriffs can be as easily estimated as can those of the Territorial Auditor and Treasurer, and when parties litigant are to be taxed with costs, let it be taxed in favor of the county, and collected from such party as the

court may direct, and under suitable regulations, paid into the county treasury. The fees of Clerks and Sheriffs heretofore charged against litigants, can, by a proper classification, be commuted to a fixed sum and be paid into the county treasury on the certificate of the Clerk. I believe this system both practicable and judicious with respect to all officers who have heretofore been compensated in whole or in part by fees.

The officers of the Territory in charge of its finances, having discharged their duties with so much fidelity, and the finances being in such an improved condition, the Territorial Treasurer was enabled to place on the market the seven per cent. bonds authorized by your predecessors at one and eleven-sixteenths per cent. above par; redeeming all of the outstanding ten per cent. bonds; making an annual saving of \$2100 interest on the bonded debt. This is a very gratifying showing, in view of the fact that ten years ago the bonded debt of the Territory was drawing fifteen per cent. per annum, and the debt was much larger than at present. The territorial debt, on the first day of the present month, was:

Seven per cent. bonds outstanding, ...	\$70,000 00
Interest on same, ...	2,450 00
One outstanding warrant, ...	161 00
Total liabilities, ...	\$72,611 00
Cash balance in treasury, ...	52,440 65
Net indebtedness, ...	\$20,170 35

The money in the treasury, applicable to the redemption of the outstanding bonds, cannot be applied until January 1, A. D. 1883, when the option of the holders expires. I therefore recommend that the Treasurer be authorized to expend said money in the purchase of outstanding bonds at not exceeding par, or that he be authorized to safely invest the same until the option of the holders of the bonds expires. I think it not advisable to divert the money to other purposes, but to reduce the territorial levy to two mills on the dollar, and authorize the transfer of so much of the sinking fund to the warrant fund as may be necessary to meet the current expenses of the Territory. The levy suggested will be sufficient to meet the current expenses of the Territory and pay the bonded debt when it matures, in 1883. I am convinced that you should reduce the rate of interest on territorial and county warrants to seven per cent. The present rates of interest are in excess of rates paid by banks on deposits, and in some counties almost one-half of the debt is made up of accrued interest on warrants. I also recommend that the bonded debt of the several counties be funded at a lower rate of interest than is now paid, and that county warrants be bonded at a lower rate of interest than ten per cent. per annum. I think, by judicious

management, the bonds of the several counties can be negotiated at seven per cent. per annum.

I respectfully suggest the propriety of additional legislation for the protection of game in the Territory. In many parts of the Territory, deer, antelope and elk are openly killed for the hides only, and no part of the carcass used for food. If this wholesale slaughter is to continue, the game of the Territory will soon be exhausted. It is recommended that the law be amended so as to prohibit, under severe penalties, the killing of elk, deer or antelope, except for food. This subject is submitted for your earnest consideration, at the request of many of our best citizens.

The law prohibiting the firing of prairie grass has not been enforced, although many destructive fires have occurred during the past year in almost every section of the Territory. You should provide such legislation as will secure the punishment of the offenders and prevent such occurrences in the future. The protection of the stock ranges and timber are now matters of paramount importance to the people, and the subject demands some legislation, and I trust you will give it such consideration as its importance demands.

The law of the Territory prohibiting the sale of intoxicating liquors to the Indians is openly violated by parties in the vicinity of Fort Maginnis and Carroll. The lives and property of citizens in that section are seriously endangered by drunken Indians, who obtain liquor from traders in violation of law. The county authorities do not appear to have power or disposition to enforce the law and suppress the traffic. Appeals have been made by citizens to the military and the civil officers of the United States, but they appear to be powerless to enforce the laws of the United States prohibiting the sale of liquor to Indians. It has become the duty of the Territory to enforce the law, and I therefore recommend that you authorize rewards to be offered for the arrest and conviction of persons engaged in selling or trading intoxicating liquors to Indians, and the confiscation of all property found in possession of the offenders, or used by them in carrying on the illicit trade. The traffic can and should be suppressed; and I trust the Legislature will not hesitate to give the subject the attention its importance demands.

Since the adjournment of the last Legislature, I obtained from the Attorney-General of the United States a reduction in the compensation for keeping the territorial convicts. The per diem now paid is seventy-five cents. The number of convicts is steadily increasing, and you will be required to make some provision for additional prison room, as the prison at Deer Lodge is now overcrowded, and there appears to be no probability that the United States will increase its capacity. I recommend that you authorize the confinement in county jails of such convicts as cannot be kept at the Deer Lodge prison. The number of territorial convicts now confined in the United States prison at Deer Lodge is fifty-six (56).

The amount realized from prison labor for the last fiscal year has been very small; the amount will appear in the reports of the financial officers of the Territory.

The reports of the Judges of the Supreme Court, with vouchers accounting for the annual appropriation for the law library, for the years 1879 and 1880, are transmitted as required by law. Also the reports of the officers of the Historical Society, with vouchers, covering the same period, accounting for the annual appropriation for said society.

The contractor having charge of the insane has performed his part of the contract to my entire satisfaction. The number now receiving treatment is thirty-nine. The number that have died or been discharged since January 1st, 1879, is twenty-six. I respectfully recommend that you appoint a joint committee to visit the Asylum and report fully upon its condition. The present contract will expire in March of the present year, and I have no intimation from the contractor that he wishes to renew the same. This subject I commend to your earnest and careful consideration.

The evils resulting from the practice of opium smoking should be suppressed by law. Secret places of resort are kept, where the habit is encouraged, and the evil effects of the practice will soon be apparent on the youths who frequent these dens.

The annual reports of the Territorial Auditor and Treasurer are hereby submitted, to which your attention is respectfully directed. I suggest that you, at an early day in the session, appoint a joint committee of the two Houses to examine the books of said officers and their official transactions during the past two years.

The report of the Superintendent of Public Instruction, which will be submitted to you by that officer, will give full information as to the condition of the public schools in the Territory. The policy of free public schools is so firmly fixed in the affection of the people that I do not anticipate any opposition to its continuance. The advantage to society derived from the education of the masses is not now seriously questioned by any one. Lord Bacon has forcibly illustrated that learned states have been usually prosperous states, and that an instructed people have been, for the most part, a rich, laborious, energetic and powerful people. Mr. Horace Mann, in one of his reports to the Board of Education in Massachusetts, showed, by precise statistical details, collected from superintendents of manufacturing establishments, that throughout the whole range of mechanical industry, the well educated operative did more work, did it better, wasted less, used his allotted portion of the machinery to better advantage and greater profit, earned more money, commanded more confidence, and rose faster and higher from lower to advanced positions, than did the uneducated operative. Another educator says: "Education is economy, and ignorance means waste; that the skilled workman so forecasts and plans his work that every blow tells, while he economizes his strength and stock, that even in humblest labor he will do more

work, in better style, with less damage to tools and machinery, than the boor who can only use brute muscle." A New England orator says: "There is not an occupation of civilized life from the making of laws, and poems, and histories, down to the opening of New Jersey oysters with a broken jackknife, that is not better done by a bright than a dull man; by a quick than a slow mind." I wish to add another quotation: "Remember that the learning of the few is despotism; the learning of the multitude is liberty; and that intelligence and principled liberty is fame, wisdom, power."

The recent general election developed defects, or at least a condition of indefiniteness, in the election law of this Territory, which should be remedied. This is especially so in relation to the powers and duties of the canvassing boards. A law under which, in Déer Lodge county, certificates of election were issued on an abstract of the votes certified to by a minority of the board, against the protest of the majority, and under which, it is stated, the canvassers in Missoula county certified up the vote from a so-called precinct which the Commissioners had refused to establish or appoint judges or clerks for, and which proceedings are, nevertheless, held by many to be covered by the present election law, cannot be a safe or sufficient one. So vague is it that canvassing officers have been in doubt whether they had authority to reject any returns certified up from a precinct, however manifestly defective or fraudulent they were; or whether the canvassing board is required to even certify the abstract when made. If the duties are merely clerical, the board is a useless piece of machinery; if it is invested with powers, they should be fully and clearly defined. Each member should have an equal voice in the canvass. While candidates, believing their rights impaired, have remedy in the courts, great care should be taken that the will of the electors is accomplished without necessitating that tedious and expensive recourse. By fortunate accident, the instances cited did not materially vary results, but they have exemplified the defects of the law at an opportune time for you to correct it. As the law exists, it is imperative that in case of a tie vote for district or county officers, there shall be a new election ordered. Instances may occur where the office would not justify a new election, or where the candidates would desire to adjust the matter between themselves without another election. It is submitted for your consideration whether it would not be wise to empower the County Commissioners, in case of such agreement by the candidates, to commission one or the other in accordance therewith.

Before the next meeting of the Legislature it is probable there will be three large bodies of men engaged in the construction of railroads in Montana. Many of these will be non-residents, having no permanent interests in the Territory, but who, if permitted to vote, may control the affairs of several counties. If, on investigating the present laws, you believe they are not sufficiently strong and clear to prevent non-residents, or otherwise

disqualified persons from voting in Montana, or to inflict severe penalties for such voting, the best interests of the several counties and the Territory require that they should be made so.

I again recommend the enactment of a law requiring the observance of the Sabbath day as a day of rest.

The enactment of a statute requiring the taxation of jury fees to litigants in civil cases should receive your attention at an early day in the session. There can be no reason advanced that will justify the payment of jurors by the county while engaged in the trial of an issue of facts between citizens. The public can have no interest in, and should not be required to pay any part of the expenses of litigation between individuals. I recommend the re-enactment of the statute of 1867, requiring the taxation of jury fees to litigants in all civil cases tried by a jury. The present law requires that when the entire panel of jurors summoned at any term of court is exhausted, and no qualified jury obtained, a new venire shall issue. This causes great delay and expense, and you should remedy this serious defect, by amending the law so as to authorize the Sheriff, when the panel is exhausted, to summon the jurors from the body of the county. I understand it frequently occurs that persons are drawn as jurors, and summoned, who are exempt from jury service, and others are drawn who have not the legal qualifications for jurors. This matter should receive your careful attention to the end that the expenses of courts may be reduced.

I think all towns and cities of the Territory, not now organized under charters, should have a simple and inexpensive organization under a general law. The towns and cities of many of the States are organized under a general law, which prescribes the duties of the officers, and requires them to serve without compensation, except those whose duty it may be to preserve the peace or protect the property of citizens. Towns and cities organized under this system are well governed, and at a very small cost. The law should not be compulsory upon towns and cities to organize under the law, but allow them to do so upon the petition of a certain number of residents.

I sincerely congratulate you and the people of the Territory upon the fact that two railroads have reached our borders and promise to be rapidly constructed to our business centres. We cannot over-estimate the advantages to be derived from railroad communication with the great cities of the East. With water communication and competing lines of railroads, Montana will always have the advantage of cheap rates for freight and passenger traffic. With the early and certain influx of population and capital, and the construction of railroads through the Territory, the future of Montana must be bright and promising.

I shall be glad to concur with you in every measure that may be calculated to promote the general welfare of the people.

B. F. POTTS.

On motion of Mr. Cullen, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

[EIGHTH DAY.

HOUSE OF REPRESENTATIVES,

January 17th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of sixth day read and approved.

The Committee on Enrollment reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment respectfully report that House Joint Resolution No. 1 was presented by said committee to His Excellency the Governor, for his approval, on the fifteenth day of January, 1881, at 6 o'clock p.m.

GARLOCK,
Chairman.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Whole House, to whom were referred H. B. No. 3, entitled "A bill for an act to establish the rate of interest on territorial and county warrants," have instructed me to report the bill back to the House, recommending its passage with the amendment thereto, reported from your Committee of Ways and Means.

Mr. Kennerly in the chair.

On motion of Mr. Beach, the bill and the report thereon were made special order for 10:30 a.m. January 20th.

Notice of the introduction of bills was given as follows:

By Mr. Blake—"An Act concerning cruelty to animals."

Also, "An Act concerning the amount of taxes to be levied and collected annually."

Also, "An Act concerning licenses for dance houses and certain saloons."

Mr. Beach introduced H. B. 7, "An Act to regulate the fees of Sheriffs for board of prisoners confined in the county jails of the Territory of Montana," which was read first and second times and referred to the Committee on Ways and Means.

The following message was received from the Council:

COUNCIL CHAMBER,
January 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has concurred in H. C. R. 5, in relation to printing laws of extra session.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The following message was received from the Governor:

HELENA,
January 15, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that I have this day approved House Joint Resolution No. 1.

Respectfully,

B. F. POTTS.

Also the following:

HELENA,
January 15, 1881.

To the Legislative Assembly:

I have the honor to transmit the report of Dr. A. H. Mitchell, contractor for keeping the insane. The report is an interesting one, and I trust will receive your favorable attention.

Only one copy having been furnished this department, the same is sent to the Council.

Respectfully,

B. F. POTTS.

Also as follows:

HELENA,

January 12, 1881.

To the Legislative Assembly:

I have the honor to submit a communication from John B. Blake, Secretary of the Washington Monument Society, dated December 4, 1880, asking a contribution from Montana to the Washington Monument.

I commend the communication to your favorable consideration, and trust you may be pleased to comply with the request therein contained.

Only one copy having been furnished this department, the same is sent to the Council.

Respectfully,

B. F. POTTS.

A communication was received from the Governor, transmitting a report of pardons granted during the two years past, with the reasons therefor.

House proceeded to the consideration of the Governor's message to the Legislative Assembly.

On motion of Mr. Cullen, that portion of said message preceding the reference to amendments to the game law, was referred to the Committee on Ways and Means.

On motion of Mr. Beach, that portion relating to a game law, was referred to the Committee on Judiciary.

On motion of Mr. Cullen, that portion of said message relating to prairie fires, was referred to the Committee on Grazing and Stock Growing.

On motion of Mr. Harrington, that portion with reference to laws prohibiting sale of liquor to Indians, was referred to the Committee on Indian Affairs.

Mr. Cullen moved to refer that portion of the message relating to keeping territorial prisoners to the Committee on Ways and Means.

Mr. Beach moved to amend by substituting Committee on Territorial Affairs.

The amendment was accepted.

The motion prevailed and it was so referred.

On motion of Mr. Beach, that portion with reference to a Sunday law, was referred to the Committee on Education and Labor.

On motion of Mr. Harrington, that portion referring to reports of Judges of the Supreme Court and of the Historical Society, was referred to the Judiciary Committee.

Mr. Blake offered the following:

Mr. Speaker:

I move that the Council be requested to transmit to the House, the messages from the Executive to the Council, concerning the Washington Monument, and the care of the Insane, together with the reports and documents accompanying the same, provided that such action will not interfere with the business of the Council.

The motion prevailed.

On motion of Mr. Harrington, that portion of the Governor's message relating to education, was referred to the Committee on Education and Labor.

On motion of Mr. Beach, that portion relating to amendments to the election law, was referred to the Committee on Elections.

On motion of Mr. Blake, that portion referring to railroads, and that portion referring to incorporation of towns and cities, was referred to the Committee on Corporations.

That portion referring to summoning jurors, on motion of Mr. Harrington, was referred to the Judiciary Committee.

On motion of Mr. Beach, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means respectfully report that under authority of H. J. R. No. 1, they have empowered B. Ezekiel to act as clerk of the Committee on Ways and Means.

The following message was received from the Council:

COUNCIL CHAMBER,

January 17, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following notices of the introduction of bills have been given:

By Kerley—"An Act to amend An Act appropriating certain monies to the Historical Society of Montana."

By Toole—"An Act concerning mining, irrigating, and other ditches."

The following were introduced:

By Morris—C. B. 4, "An Act to authorize the refunding of the outstanding bonded indebtedness of Madison county."

By Toole—C. B. 5, "An Act concerning costs in certain criminal cases."

That the Council has ordered a sufficient number of copies of the Governor's message for the use of the two Houses, to be printed in pamphlet form.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Sedman, upon his own request, was relieved from service upon the Judiciary, and Mr. Speaker appointed Mr. Blake to fill the vacancy occasioned by Mr. Sedman's resignation.

On motion of Mr. Cullen, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,

January 18th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following notices of introduction of bills were given:

By Clem—"An Act to provide uniform text books for use in the public schools of Montana."

By Parchen—"An Act to amend an act entitled An Act concerning fire insurance companies and agents."

By Garlock—"An Act to provide for the funding of the indebtedness of the county of Custer."

By Hanley—"An Act to repeal Section 156 of Chapter 10 of the Criminal Laws."

Also, "An Act to amend Section 44 of code of civil procedure."

By Rogers—"An Act to amend Section 15 of Chapter 16 of 'An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory,' approved January 12th, 1872."

By Davis—"An Act providing for an election in Beaverhead county for changing the county seat of said county."

By Cullen—"An Act relating to the tenure of office."

By Chambers—"An Act to require persons keeping gaming houses to prohibit boys from stopping therein."

Mr. Beach moved the appointment of a committee of three members on mileage, which motion prevailed, and,

Mr. Speaker appointed as such committee, Messrs. Beach, Clem and Powers.

Mr. Blake introduced H. B. No. 8, "An Act concerning the amount of taxes to be levied and collected annually," which was read first and second times, and ordered printed.

Mr. Cullen moved that all bills ordered printed shall not be referred to any other committee, until reported from the Printing Committee, correctly printed. The motion prevailed.

Mr. Blake introduced H. B. 9, "An Act concerning cruelty to animals," which was read first and second times, and referred to the Printing Committee.

Mr. Parchen introduced H. B. 10, "An Act to provide for the support and maintenance of the Helena Fire Department," which was read first and second times, and referred to a select committee, consisting of the members of the House from Lewis and Clarke county.

Mr. Chambers introduced H. J. M. No. 1, "In relation to Montana Penitentiary," which was read first and second times, and referred to the Committee on Federal Relations.

Mr. Harrington introduced H. J. M. No. 2, "Protesting against passage of any act authorizing the leasing by the general government of any public lands," which was read first and second times, and referred to the Committee on Grazing and Stock Growing.

On motion of Mr. Beach, House took recess until 2.30 p.m.

2:30 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. No. 6, and find the same correctly printed, except the word "and," in line two.

Mr. DeWolfe moved to amend the bill as follows: Strike out all after the word "named," in line four of Section 9, and insert after the word "date," in said line, the word "above," so that Section 9 will read as follows:

SEC. 9.—This act shall take effect from and after its passage, but the county of Silver Bow shall remain united to the county of Deer Lodge for judicial purposes, until the thirteenth day of April, A. D., 1881, and the several officers of the county of Deer Lodge shall also act as the officers of Silver Bow county, until the date above named."

The amendment was adopted.

Mr. Humber moved to refer the bill to the Committee on Towns and Counties, which motion

Mr. Harrington moved to amend by substituting a committee composed of the members from Deer Lodge county. The amendment prevailed, and the bill was so referred.

The following message was received from the Council:

COUNCIL CHAMBER,

January 18, 1881.

Mr. Speaker:

I have the honor to transmit to your honorable body, the communication of the Secretary of the Washington Monument Society to the Governor.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The communication accompanying was read, and,

On motion of Mr. Sedman, referred to a special committee, consisting of Mr. Blake, Mr. Garlock, Mr. Eastman, Mr. Bell and Mr. Beach.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,

January 19th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Mr Pardee, member-elect from Deer Lodge county, appeared and answered to his name. By direction of the House, he was sworn in by Chief Justice Wade.

Journal of yesterday read and approved.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. No. 2, entitled "An Act to provide for the issuing of duplicate county warrants in certain cases," would respectfully report that they have had the same under careful consideration, and believe it to be a bill, if enacted into a law, which would subject our treasuries to much danger by evil designing persons, and perhaps to almost endless litigation, and would therefore recommend that it do not pass.

And your Committee would further recommend that Chapter seventy-one (71), pages 573-4, codified statutes of 1871-2, be repealed, being "An Act to authorize the issuing of duplicate warrants by the Territorial Auditor in certain cases," approved January 6th, 1872.

Mr. Cullen moved to lay the report on the table, and that the bill be referred to a Committee of the whole House. A division of the question being demanded, and the ayes and nays being called on the motion to lay on the table, the motion was lost by the following vote:

Ayes—Blake, Cullen, DeWolfe, Hanley, Harrington, Kennerly, Pardee, Rogers and Mr. Speaker—9.

Nays—Beach, Bell, Chambers, Clem, Corbly, Davis, Eastman, Houser, Humber, Parchen, Powers, Sedman, Stedman and Wilson—14.

Absent—Garlock—1.

The question was then taken on the commitment of the bill to a Committee of the whole House, to be considered at 2 o'clock

p.m. to-day, when the motion prevailed, and the bill was so referred.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Mileage beg leave to report that they find the persons hereinafter named entitled to the following mileage, to-wit:

	MILES.		MILES.
Beach,	7	Hanley,	160
Bell,	140	Harrington,	70
Blake,	250	Houser,	140
Chambers,	372	Humber,	90
Clem,	230	Kennerly,	390
Corbly,	260	Parchen,	0
Cullen,	0	Pardee,	200
Davis,	240	Powers,	70
DeWolfe,	140	Rogers,	212
Donnelly,	300	Sedman,	250
Eastman,	190	Stedman,	0
Garlock,	900	Wilson,	118

Mr. Parchen reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred House Bill No. 10, being "An Act to amend an act to provide for the support and maintenance of the Helena Fire Department," beg leave to report the same back, with the following amendment: Strike out the word "authorize," in the seventh line of Section 2, and insert the word "required" in lieu thereof, and with this amendment recommend that the bill pass.

The report was adopted, and the bill ordered engrossed.

Notices of the introduction of bills were given:

By Donnelly—"An Act to provide for the funding of the outstanding indebtedness of Chouteau county."

Also, "An Act to enable Chouteau county to erect a jail."

Also, "An Act concerning proceedings on applications for a new trial in criminal cases."

By Sedman—"An Act to repeal an act entitled 'An Act to provide for the taxation of the proceeds of mines.'"

Mr. DeWolfe moved the following:

Resolved, By the House of Representatives of the Legislative Assembly of the Territory of Montana, that the thanks of this House be, and the same are hereby tendered to Hon. D. S. Wade, Chief Justice of Montana Territory, for his courtesy in attending upon this House, and swearing in the members thereof.

The resolution was adopted.

Mr. Blake moved the following:

Resolved, That the Territorial Auditor be requested to furnish the House, for the use of this Legislative Assembly, a copy of all reports made by the President or other officers in charge of any railroad company having a line of railroads within the Territory of Montana.

The resolution was adopted.

Mr. Humber offered the following concurrent resolution:

Resolved, By the House, the Council concurring, that a Special Joint Committee be appointed, two from the House and one from the Council, to visit the Insane Asylum and report upon its condition.

The resolution was adopted.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee beg leave to report that they have employed as clerk to the committee, Mr. Louis D. Dent.

Mr. Sedman introduced H. B. 11, "An Act to regulate the legal rate of interest," which was read first and second times, and referred to the Committee on Ways and Means.

Mr. Hanley introduced H. B. 12, "An Act to repeal Section 156 of the criminal laws," which was read first and second times, and referred to the Judiciary Committee.

Mr. Parchen introduced H. B. 13, "An Act to amend an act concerning fire insurance companies and agents," which was read first and second times, and referred to the Committee on Corporations.

On motion of Cullen, House took a recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Speaker announced as the House members of the Committee contemplated by H. C. R. 6, Mr. Humber and Mr. Davis.

House went into Committee of the Whole on H. B. 2—Mr. Sedman in the chair.

House resumed—Mr. Speaker in the chair.

On motion of Mr. Parchen, H. B. 10 was recalled from the Engrossment Committee and recommitted to the Select Committee consisting of members from Lewis and Clarke county.

The following message was received from the Governor:

HELENA,

January 19th, 1881.

To the Legislative Assembly:

I have the honor to submit to the Legislative Assembly a proposition from Messrs. A. S. Barnes & Co., and Messrs. Ivison, Blakeman, & Co., both of New York City, to furnish the public schools of Montana Territory a list of text books. I commend the proposition to your favorable consideration. I believe a uniformity in books essential to the success of our school system. This proposition has been so favorably endorsed by the teachers and school officers of the Territory as to commend it to your most favorable consideration.

The original proposition, with endorsements, is sent to the House of Representatives, and a copy of the same is sent to the Council.

Respectfully,

B. F. POTTS.

The papers accompanying were placed on file.

A communication from the Superintendent of Public Instruction was received and filed.

On motion, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,

January 20th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

By leave of the House, the report of the Superintendent of Public Instruction was withdrawn from the files for the purpose of printing.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred H. B. No. 4, being a bill for "An Act to repeal an act entitled 'An Act to prevent unlawful interference with private rights and private property,' approved February 21, A.D. 1879," have had the same under consideration, and beg leave to report the same back to the House with the recommendation that the same do pass.

Mr. Wilson reported as follows:

Mr. Speaker:

Your Committee on Federal Relations, to whom were referred House Joint Memorial No. 1, "In relation to the Montana Penitentiary," would respectfully report that they have had the same under consideration, and recommend that it do pass.

The following report was received:

Mr. Speaker:

Your Committee on Printing have examined and find correctly printed House Bills Nos. 7, 8 and 9.

HARRINGTON,
Chairman.

The bills reported were referred as follows: Nos. 7 and 8 to the Committee on Ways and Means, and No. 9 to the Committee on Grazing and Stock Growing.

Mr. Sedman reported the following:

Mr. Speaker:

The House, in Committee of the Whole, to whom were referred H. B. No. 2, entitled "An Act to provide for the issuing of duplicate county warrants in certain cases," and the report of the Committee of Ways and Means thereon, have had the same under consideration, and directed me to report the bill to the House with the recommendation that the following amendments be adopted, viz: That Section 5 be amended by adding thereto the following words: "But the delivery of said bond shall not relieve or exonerate the county from the payment of the amount specified therein, upon a demand and refusal of the sureties named in the in-

demnifying bond to pay the same." That Section 6 be amended by striking out the word "mislaidd," and inserting the word "destroyed." And that the bill as amended do pass.

Mr. Parchen reported as follows:

Mr. Speaker:

Your Select Committee, to whom were recommitted H. B. No. 10, being "An Act to amend 'An Act to provide for the support and maintenance of the Helena Fire Department,'" beg leave to report the same back with the following amendment: Erase the word "two," in the fourth line of Section 1, and insert the word "three" in lieu thereof, and with this amendment recommend that the bill pass.

The report was adopted and the bill ordered engrossed.

Mr. Corbly gave notice of the introduction of "A bill in relation to the sale of spirituous liquors to Indians."

Mr. Blake moved the following:

Resolved, That the Secretary of the Territory be requested to inform the House what action has been taken to procure the printing of the Journals of the House and Council of the Eleventh Legislative Assembly, at the regular and extraordinary sessions thereof.

The resolution was adopted.

Mr. Humber moved the following:

Resolved, By the House, the Council concurring, that the Twelfth Legislative Assembly of Montana Territory shall adjourn *sine die* on the 18th day of February, A. D. 1881.

Upon this Mr. Corbly moved the previous question, and the ayes and nays being called, the motion failed of a second by the following vote:

Ayes—Clem, Corbly, Humber and Kennerly—4.

Nays—Beach, Bell, Blake, Chambers, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—20.

And the question being upon the passage of the resolution, the same was lost by the following vote:

Ayes—Blake, Clem, Corbly, Eastman, Hanley, Humber, Kennerly, Pardee, Sedman, Wilson and Mr. Speaker—11.

Nays—Beach, Bell, Chambers, Cullen, Davis, DeWolfe, Garlock, Harrington, Houser, Parchen, Powers, Rogers and Stedman—13.

The following message was received from the Council:

COUNCIL CHAMBER,

January 19, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Mr. Toole introduced C. B. 6, "An Act in relation to mining, irrigating and other ditches."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Donnelly introduced H. B. 14, "An Act to provide for the funding of the outstanding indebtedness of Chouteau county, M. T.," which was read first and second times, and referred to the Printing Committee.

On motion of Mr. Beach, the House proceeded to consider H. B. 3.

Mr. Cullen moved that the bill be placed on general orders, for consideration in Committee of the Whole; [which motion prevailed.]

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,

January 21st, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

A communication was received from the Territorial Auditor informing the House that the Auditor's office was not in receipt of any report from any railroad company doing business in Montana.

Mr. Stedman presented a petition in regard to proximity of

British Indians to certain cattle ranges. The petition was referred to the Committee on Indian Affairs.

Mr. Chambers presented petition from County Commissioners of Missoula county, in regard to convict labor. The petition was referred to the Committee on Federal Relations.

Mr. Humber, from Committee on Grazing and Stock Growing, reported as follows:

Mr. Speaker:

Your Committee on Grazing and Stock Growing to whom were referred H. B. No. 9, have had the same under consideration and recommend that the bill be amended by striking out the word "and," in line twelve of printed bill, and insert the word "or," and, as so amended, recommend that the bill do pass.

The report was adopted, and the bill referred to the Committee on Engrossment.

Mr. Humber reported as follows:

Mr. Speaker:

Your Committee on Grazing and Stock Growing, to whom were referred House Joint Memorial No. 2, respectfully report that they have carefully examined the same and recommend its adoption with the following amendments, viz: That the word "such," in line twenty-six, first page, be stricken out, and after the word "law," in the same line, the following be inserted, "authorizing the leasing of the pasturage on irrigable lands within the borders of our Territory for any term of years." Also, first line, page two, strike out the words "destructive of," and insert in lieu thereof "injurious to," and, in eighth line, same page, insert after word "monopolists" the words "and speculators;" also, strike out all between the words "therefore," in twelfth line, and "trusting," in the nineteenth line, same page, and insert in lieu thereof, "respectfully request and petition that no such law be enacted."

The report was adopted, and the memorial was ordered engrossed.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. J. M. No. 1, "In relation to the Montana penitentiary;" H. B. No. 10, entitled "A bill for an act to amend 'An Act to provide for the support and maintenance of the Helena Fire Department,'" with the House amendments thereto, and H. B. No. 4, entitled "A bill for an act to repeal an act entitled 'An Act to prevent un-

lawful interference with private rights and private property," approved February 21, 1879," beg leave to report that they have examined the same, and report the same correctly engrossed.

Bills reported were filed for third reading.

Mr. Blake moved that the report of the Committee of the whole House on H. B. 2 be adopted, the motion prevailed, and the bill was ordered engrossed.

The following message was received from the Council:

COUNCIL CHAMBER,
January 20, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following notices of the introduction of bills were given:

By Mitchell—"An Act to punish wife beaters."

By Hundley—"An Act to prevent swine running at large."

That C. B. 3 and C. B. 4 have passed the Council, and are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

C. B. 3, "An Act to prescribe the fees of jurors and witnesses in probate and justices' courts," was read first and second times, and referred to the Judiciary Committee.

C. B. 4, "An Act to authorize the refunding of the outstanding bonded indebtedness of Madison county," was read first and second times, and referred to a Select Committee, consisting of members from Madison county and members from Madison and Jefferson counties, jointly.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing, to whom were referred H. B. No. 14, "An Act to provide for the funding of the outstanding indebtedness of Chouteau county," respectfully report that said bill has been returned to this committee from the Secretary's office, unprinted, and with the information that as said bill was of a private nature, the Comptroller would not allow the bill for printing the same.

The bill reported was referred to a Select Committee, consisting of the members from Chouteau county.

Mr. Clem introduced H. B. 15, "An Act to provide a series of uniform text books for the public schools of Montana Territory," which was read first and second times, and ordered printed.

Mr. Stedman introduced H. B. 16, "An Act to amend 'An Act for the protection of game,'" which was read first and second times, and

Mr. Parchen moved to amend by striking out the words "first of September," and inserting in lieu thereof "fifteenth of August;" the amendment was adopted, and the bill referred to the Committee on Military Affairs.

Mr. Chambers introduced H. B. 17, "An Act to require persons keeping gaming houses to prohibit boys from stopping therein," which was read first and second times, and referred to the Printing Committee.

H. B. No. 4 was read third time, and,

On motion of Mr. Cullen, the question was made the special order for 2 o'clock p.m., on Monday, Jan. 24th.

H. J. M. No. 1 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Cullen—1.

Title agreed to.

H. B. No. 10 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Cullen, Humber and Sedman—3.

Title agreed to.

The hour having arrived for the consideration of the general orders, House went into Committee of the Whole on H. B. 3—Mr. Blake in the chair.

House resumed—Mr. Speaker in the chair.

On motion, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES,
January 22d, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 2, entitled "An act to provide for the issuance of duplicate county warrants in certain cases," H. B. No. 9, entitled "An Act concerning cruelty to domestic animals," and the House amendments thereto; and H. J. M. No. 2, entitled "A Memorial protesting against the passage of any law authorizing the leasing by the general government of any public lands," [and the House amendments thereto,] beg leave to report that they have examined the same, and report the same correctly engrossed.

Also as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 3, entitled "A bill for An Act to establish the rate of interest on territorial and county warrants," and the report of the Committee of Ways and Means thereon, have directed me to recommend the House to amend Section 1, line five, by striking out the word "seven," and inserting therefor "six;" and amend Section 2 by adding the following clause: "*Provided*, That the provisions of this section shall not apply to the county of Missoula, in this Territory."

And your Committee directed me to report progress, and ask leave to sit again.

The report was adopted.

Notices of the introduction of bills were given:

By Beach—"An Act in relation to diseased sheep."

By Powers—"An Act relating to barbed wire fence."

By Corbly—"An Act in relation to the distribution of license taxes."

By Stedman—"An Act in relation to mechanics' liens."

Also, "An Act to prevent certain kinds of stock from running at large in cities and villages."

Mr. Beach offered the following:

Resolved, By the House, the Council concurring, that the clerks of the several counties within this Territory are hereby requested to furnish to the Chief Clerk, for the use of the Legislative Assembly, at as early a day as practicable, a statement under seal, showing the amount of costs and expenses paid by such county in cases of prosecution for felonies, including preliminary examinations and trials, had during the year 1880; and that the Chief Clerk of the House notify by mail the several clerks of the several counties of this request.

The resolution was adopted.

Mr. Donnelly introduced H. B. 18, "An Act to enable the county of Chouteau to build a jail," which was read first and second times and ordered printed.

H. B. No. 2 was read third time and passed by the following vote:

Ayes—Bell, Blake, Chambers, Corbly, Cullen, DeWolfe, Eastman, Hanley, Harrington, Humber, Kennerly, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—18.

Nays—Beach, Clem, Davis, Houser and Parchen—5.

Absent—Garlock—1.

Title agreed to.

H. B. 9 was read third time, and, by unanimous consent,

Mr. DeWolfe moved to amend by striking out the words "or killing," in the eighth line; also to strike out the third and fourth subdivisions of Section 172.

A division of the question was demanded, when the motion to strike out the words "or killing" prevailed.

The motion to strike out the third subdivision of Section 172 was lost.

The motion to strike out the fourth subdivision of said section prevailed, and the bill as amended was ordered engrossed.

H. J. M. No. 2 was read third time and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Garlock—1.

Title agreed to.

House went into Committee of the Whole on the general orders—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
Mr. Blake reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred C. B. No. 4, entitled "An Act to authorize the refunding of the outstanding bonded indebtedness of Madison county," beg leave to report the same back to the House with the recommendation that it do pass.

On motion, the report was adopted.

House adjourned to 10 a.m. on Monday.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,

January 24th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of thirteenth day read and approved.

The following message was received from the Secretary of Montana:

HELENA,

January 22, 1881.

To the honorable the House of Representatives, Twelfth Legislative Assembly:

I have the honor to acknowledge notice from the Chief Clerk of your body that a resolution has passed the House, requesting me to inform you what action has been taken to procure the printing of the Journals of the Regular and Extraordinary Sessions of the Eleventh Legislative Assembly, and in reply state:

The printing appropriation for the Regular Session was inadequate, after payment of the incidental printing and publication of the Laws, to publish the Journals, and it is not permitted to

incur any obligations for the United States in excess of appropriation. For the Extraordinary Session of July, 1879, there was no appropriation whatever available until August, 1880, when instructions were received fixing the compensation for public printing at such low rates that neither Laws nor Journals could be printed in Montana. Desiring to secure expedition in the publication and distribution of the important codification of the Laws to be made by the Twelfth Legislative Assembly, by having the work done in Montana, I at once appealed to the Department for an increase of rates, and failing to secure the same, in November, placed the matter in the hands of the Delegate of Montana, and solicited his services in the same direction. Under date of January 8, 1881, he advised me he had not yet been successful in procuring an increased rate. On receipt thereof, I invited proposals from foreign publishers, and the Journals will be ordered printed as soon as they can be contracted at the rates designated by the Treasury Department.

Very respectfully yours,

JAMES H. MILLS,
Secretary.

Mr. DeWolfe presented petition of citizens of Deer Lodge county, praying for formation of a new county, to be known as Silver Bow county.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. No. 7, "An Act to regulate the fees of sheriffs for board of prisoners confined in county jails," respectfully report that they have had the same under consideration, and report it back with the following amendment: Strike out all of Section 1, and insert in lieu thereof: "SEC. 1.—That the fees allowed sheriffs of the respective counties of the Territory of Montana for board of prisoners, shall not exceed one dollar and a quarter per day, and it shall not be in any sum exceeding what the County Commissioners believe to be the actual value thereof." And, as so amended, recommend that it do pass.

On motion of Mr. Blake, the bill and report thereon were referred to the Committee of the whole House.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 9, entitled "A bill for an act concerning cruelty to domestic animals," beg leave to report that they have examined the same, and report the bill correctly engrossed.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. No. 15 and find it correctly printed.

Mr. Cullen, from the Joint Judiciary Committee, reported as follows:

Mr. Speaker:

Your Joint Judiciary Committee, to whom were referred C. B. 9, entitled "An Act to arrange and codify the general laws of the Territory of Montana, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, 1879," respectfully report that they have examined the same with as much care and circumspection as the limited time would permit; that, as a result of our investigations, we find that the same contains all of the laws of the Territory of Montana, of a general and permanent nature, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, A. D. 1879, except the following, which, in the opinion of a majority of your committee, are general and permanent laws now in force, to-wit:

Section 4 of an act entitled "An Act for the protection of public bridges in the Territory of Montana," approved February 5th, 1876.

Also, an act entitled "An Act to provide for the more speedy settlement of small estate" approved February 13th, 1874.

Also, "An Act concerning Dower," approved February 11th, 1876.

Your committee, after a discussion and careful consideration, have deemed it best and most expedient to recommend:

First. That the engrossed bill entitled "An Act to arrange and codify the general laws of the Territory of Montana, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, A. D. 1879," as codified and arranged by Hon. Harry R. Comly, be passed as it is engrossed.

Second. That after the passage and approval of the same that the following amendments be made thereto, to wit:

A. Amend Section 109 of the fifth subdivision of the Revised Statutes, so as to read as follows: "The general Recorder shall keep a record of all brands or marks and brands, with the name and residence of the persons owning the same, in a book suitable for the purpose. Such book shall be kept in alphabetical order, and shall be free to the inspection of all persons interested,

and he shall furnish to the owner certified copies of all brands or marks and brands, which certificates shall be deemed evidence in law."

B. Amend Section 189 of the fourth subdivision of the Revised Statutes, by adding at the close of Section 189, the following: "This act shall not apply to any bridge, the span of which is less than forty feet."

C. Amend Section 142, same subdivision, by striking out the words "of this act," in brackets.

D. Amend Section 285 of the first subdivision of the Revised Statutes, by inserting after the fourth subdivision of that section, the following: "Fifth. Excessive damages appearing to have been given under the influence of passion or prejudice." "Sixth. Insufficiency of evidence to justify the verdict or other decision, or it is against law." "Seventh. Error in law occurring at the trial, and excepted to by the party making the application."

Also, the following amendment in Section 816, of the same subdivision: Strike out the words "[unless noted by the clerk]" and the brackets enclosing them.

Third. And your committee would further recommend that Section 381 of the Revised Statutes be repealed.

Your committee further report that, as to those laws enacted by the Legislative Assembly prior to the passage of the Probate Practice Act of February 16th, 1877, and which it has been claimed by the Commissioner on the Revision of the Laws were repealed by implication, which are included in "An Act concerning Dower," approved February 11th, 1876, and "An Act to provide for the more speedy settlement of small estates," approved February 13th, 1874, your committee say that they are not of unanimous opinion as to the fact whether they are repealed or not, and have therefore agreed to report the same to the Legislative Assembly to be repealed or re-enacted, as the two houses may deem best on the merits of the two laws.

Fourth. Your committee further recommend that in any subsequent codification or arrangement of the laws, that Section 73 of the fourth subdivision of the Revised Statutes be added to Section 72 of the same subdivision, after the words "fourteen years," on line seven of the engrossed bill, and that the remainder of Section 72, commencing at the word "if," on line seven of the engrossed bill, of the same subdivision, be placed in a separate section, and be numbered 73.

Fifth. And that that portion of Section 192 of the fourth subdivision of the Revised Statutes, commencing at Section 192, and continuing to the words "that any person," on line thirteen of engrossed bill, be transferred to the fifth subdivision, and that the remainder of such section be numbered Section 192.

Your Committee found in the engrossed bill a number of obvious amendments necessary, which they felt authorized to make in the bill itself; and these changes will be embraced in a supplemental report respectfully submitted.

CULLEN,
Chairman House Judiciary Committee.

On motion of Mr. Harrington, the report was adopted.

Mr. Blake gave notice of a bill for "An Act concerning county sinking funds and taxes partially collected."

Mr. Powers introduced H. B. 19, "An Act relating to barbed wire fence," which was read first and second times, and referred to the Committee on Printing.

Mr. Donnelly introduced H. B. 20, "An Act to regulate proceedings on applications for new trials in criminal causes," which was read first and second times, and ordered printed.

C. B. 4 being upon its third reading, Mr. Blake moved to suspend the rules, and that the bill be read third time by title, and placed upon its final passage. The motion prevailed, and the bill was so read, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Nay—Clem—1.

Absent—Pardee—1.

Title agreed to.

House went into Committee of the Whole on the general orders—Mr. Blake in the chair.

House resumed—Mr. Speaker in the chair.

The following was received from the Council:

COUNCIL CHAMBER,
January 22, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have been introduced:

By Hundley—C. B. 7, "An Act to prevent swine running at large."

By Mitchell—C. B. 8, "An Act to regulate the sale or dis-

posal of opium, and to prohibit the keeping of places of resort for smoking or otherwise using that drug."

That Mitchell gave notice of a bill entitled "An Act concerning vagrants."

That C. C. R. 4 and H. J. M. 2 have passed the Council and are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also, the message following:

COUNCIL CHAMBER,
January 24, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Joint Judiciary Committee of the two houses have reported C. B. 9. "An Act to arrange and codify the general laws of the Territory of Montana, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, A. D., 1879," which, under a suspension of the rules, was read third time by title, and passed by the Council.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Sedman moved that H. B. 15, reported from Printing Committee, be referred to a select committee, consisting of one member from each county; which motion prevailed.

Mr. Speaker appointed as such committee, Mr. Parchen, of Lewis and Clarke; Mr. Kennerly, of Chouteau; Mr. Powers, of Meagher; Mr. Sedman, of Madison; Mr. Wilson, of Jefferson; Mr. Garlock, of Custer; Mr. Davis, of Beaverhead; Mr. Corbly, of Gallatin; Mr. Clem, of Deer Lodge, and Mr. Chambers, of Missoula.

The following message was received from the Council:

COUNCIL CHAMBER,
January 24, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has concurred in H. C. R. 8.

That H. J. M. 1 and H. B. 10 have passed the Council, and together with H. C. R. 8, are herewith transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake moved that the rules be suspended, and that the House proceed to the consideration of C. B. 9, which motion prevailed.

The bill was read first, second and third times by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Pardee—1.

Title was amended to read "An Act to revise and codify the general laws of the Territory of Montana, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, A. D. 1879."

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 7, entitled "A bill for an act to regulate the fees of sheriffs for board of prisoners confined in the county jails of the Territory of Montana," and the report of the Committee of Ways and Means thereon, beg leave to report that the same have been considered, and your Committee direct me to report the bill back to the House with the following recommendations, viz: That the bill be amended by substituting therefor, the bill reported by the Committee of Ways and Means, and that as amended, the bill do pass.

The report was adopted, and the bill ordered engrossed.

On motion of Mr. Cullen, the House took a recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 3, a bill for "An Act to establish the rate of interest on territorial and county warrants," have instructed me to report

the same back to the House, recommending its passage as previously amended by your Committee of the Whole, and reported by Blake, chairman.

The report was adopted, and the bill was ordered engrossed.

H. J. M. No. 1 and H. B. No. 10, transmitted from the Council with notice of their passage, were ordered enrolled.

House proceeded to the consideration of H. B. 4, being the special order for 2 p.m.

Mr. Cullen moved the bill be made the special order for 2 o'clock p.m., January 26th, which motion prevailed.

Mr. Cullen moved to adjourn, which motion was lost.

On motion of Mr. Bell, House took recess until 2:40 p.m.

2:40 P.M.

House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER,
January 24, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has concurred in House amendment to C. B. 9, and, under a suspension of the rules, has directed the same to be considered enrolled.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 7, entitled a bill for "An Act to regulate the fees of sheriffs for board of prisoners confined in the county jails of the Territory of Montana," beg leave to report that they have examined the same, and report the bill correctly engrossed.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,

January 25th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced that he was about to sign C. B.

No. 9.

Mr. Humber presented a petition of citizens of Deer Lodge county, relating to division of the county.

Mr. Wilson reported as follows:

Mr. Speaker:

Your Committee on Federal Relations, to whom were referred the resolutions of the Board of County Commissioners of Missoula county, pertaining to prison labor, would respectfully report that they have had the same under consideration, and deem it inexpedient to legislate on said resolution.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Joint Judiciary Committee, to whom were referred the engrossed bill entitled "An Act to arrange and codify the general laws of the Territory of Montana, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, A. D. 1879," beg leave to make the following

SUPPLEMENTAL REPORT:

In our examination of the bill we found certain verbal omissions which existed in the original laws, and were, by the Commissioner, transcribed as they existed; and deeming the same obvious omissions and verbal errors only, we have corrected the same in the engrossed bill, without disarranging the sections, and herewith present a list, showing where such corrections have been made, so that interested persons can make the printed copies of the bill conform to the bill as passed, and thereby add to the utility of the same.

Mr. Harrington presented the following:

Mr. Speaker:

Your Committee on Printing have examined, and find H. B. No. 17 correctly printed.

The bill was referred to the Committee on Education and Labor.

Mr. DeWolfe offered the following:

Mr. Speaker:

A majority of the Special Committee, composed of the members from the county of Deer Lodge, beg leave to report back House Bill No. 6 with certain proposed amendments, in which form they recommend the passage of the bill.

Which proposed amendments are as follows:—

Amend Section 2 by adding at the end the following:

"If the indebtedness of Deer Lodge County shall be less than the money in the treasury, and the cost of the county jail, the balance, after reserving sufficient to pay the indebtedness, shall be divided between said counties in the ratio above named for paying the indebtedness of Deer Lodge county."

Add the following new section to be numbered.

"SEC. 3.—The county commissioners of Deer Lodge and Silver Bow counties shall meet at the court house, in the town of Deer Lodge, on the third Monday in May, A. D. 1881, to adjust the indebtedness between said counties upon the basis named in Section 2 of this Act. When adjusted, if the County of Silver Bow shall be liable for any part thereof, it is hereby made the duty of the county commissioners of said last named county to cause to be issued to the county commissioners of Deer Lodge county a warrant, or warrants, therefor, which in the aggregate, shall equal the amount of said indebtedness for which the county of Silver Bow shall, under the adjustment mentioned, be liable; and said warrant or warrants, if not paid on presentation to the treasurer of Silver Bow county, shall be by said treasurer endorsed 'Not paid for want of funds in the treasury,' and shall thereafter bear like interest as other county warrants endorsed in like manner. If the county of Silver Bow, upon said adjustment, shall be entitled to any portion of the funds on hand in the county of Deer Lodge, it shall be the duty of county commissioners of the latter county to cause to be issued like warrants for the amount thereof to the county commissioners of Silver Bow county; which warrant or warrants, if not paid on presentation to the treasurer of Deer Lodge county, shall be endorsed by said treasurer in like manner as in the former case, and after said endorsement shall bear a like rate of interest."

Amend Section 3 by numbering it Section 4, and by inserting after the word "coroner," in line four, page 1, of said bill as printed, the words, "one county superintendent of schools."

Change the number of Section 4 to Section 5.

Change the number of Section 5 to 6.

Change the number of Section 6 to 7.

Change the number of Section 7 to 8, and amend so that it will read as follows:

"SEC. 8.—The county commissioners of Silver Bow county shall, at their first regular meeting after the passage of this act, and after being elected, and qualifying decide upon and levy the rate of taxation in said county for the year 1881, which levy shall be in conformity with the general law relating to the manner and amounts of taxes authorized to be levied. Said commissioners shall also have power and authority to contract for transcribing such parts of the public records of Deer Lodge county as they may deem useful and necessary to the county of Silver Bow and its inhabitants. And for this purpose shall have suitable access to the record of Deer Lodge county. Said records, when completed, shall be carefully compared with the originals, by the county clerk of Deer Lodge county, and, if correct, he shall certify to their correctness under his official seal; and thereafter the copies of said records, so transcribed and certified to, shall be admitted and received in evidence in all courts of law in this territory, and shall be in all other respects entitled to like faith and credit as said original records. The county clerk of Deer Lodge county shall receive for his services in comparing and certifying the correctness of the copy of said records six dollars per diem while engaged in said labor, which amount shall be paid by the county of Silver Bow on the completion thereof."

Add the following new Section to be numbered.

"SEC. 9.—All township and precinct officers, road supervisors, officers of school districts and other officers of every kind within the county of Silver Bow, whose election is not herein provided for, shall or may continue to hold said offices, and execute the duties pertaining thereto, until the expiration of the term for which said officers were respectively elected or appointed. Whenever district courts are appointed for said county, the clerk (or deputy as the case may be) shall, from the time he enters on his duties, be paid for his public services to be rendered said county and the officers thereof, as provided in Sections 1 and 2 of an act entitled 'An Act to provide compensation for clerks of the district courts,' approved July 22nd, 1879, an annual salary of eight hundred and twenty-five dollars, payable in quarterly payments by warrants drawn on the contingent fund of said county, and shall, in addition to said salary be entitled to the fees prescribed by said act."

Change the number of Section 8 to 10, and amend to read as follows:

"The county of Silver Bow and all persons in its name, are

hereby prohibited from contracting any indebtedness whereby said county shall become bound in any sum which shall at the time of contracting the same exceed two and one half per cent. of the assessed value of the taxable property of said county, taking the last previous assessment thereof as the standard of valuation; and no cause of action shall lie against said county for any indebtedness contracted in its name above the limitation mentioned, however the same may be evidenced. But nothing herein contained shall deprive the holder of any indebtedness contracted in the name of or on behalf of said county from a right of action against the person, or persons who actually contracted the same or who received a consideration therefor."

Change the number of Section 9 to 11, and amend to read as follows:

"This act shall take effect from and after its passage, but the county of Silver Bow shall remain united to the county of Deer Lodge for judicial purposes until the 16th of May, 1881. And the officers of Deer Lodge county shall also act as officers of Silver Bow county until the date above named, except as otherwise provided in this act."

S. DEWOLFE,
C. B. HOUSER,
J. M. BELL,
J. K. PARDEE.

Mr. DeWolfe moved to fill the blanks in the majority report as follows:

Insert in first blank after word "sections" the figures "1 and 2;" insert in the second blank the words "to provide compensation for clerks of the district courts;" insert in third blank the words "approved July 22d, 1879;" and in the fourth blank the words "by warrants drawn on the contingent fund of said county."

The amendment prevailed.

A minority of the committee offered the following:

Mr. Speaker:

Your Special Committee, to whom were referred House Bill No. 6, could not agree, and we, the minority, respectfully recommend that said bill do not pass.

CLEM,
HUMBER.

Mr. Cullen moved that the majority report be adopted.

Mr. Humber moved to amend by making the majority report and bill special order for 2 o'clock p.m., Jan'y 27th, in Committee of the Whole.

Mr. Sedman moved to amend the amendment by referring to Judiciary Committee; which motion was lost.

The question recurring on Mr. Humber's motion, it was carried by the following vote:

Ayes—Beach, Chambers, Clem, Corbly, Davis, Eastman, Garlock, Harrington, Humber, Kennerly, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—16.

Nays—Bell, Blake, Cullen, DeWolfe, Hanley, Houser and Parchen—7.

Absent—Pardee—1.

The following notices of the introduction of bills were given:

By Cullen—"An Act to provide for payment for live stock killed or injured by railroads."

By Humber—"An Act to amend Section 781, and to repeal Sections 783 and 784 of the Revised Statutes."

The following message from the Council was received:

COUNCIL CHAMBER,

January 21, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. C. R. 6 has passed the Council with amendment, and that J. C. Kerley has been appointed on the part of the Council as the committee contemplated therein. The resolution is transmitted with Council amendment attached.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,

January 25, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Toole gave notice of "An Act regulating the Montana law library."

That H. B. 2 has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Harrington moved that House concur in Council amendment to H. C. R. 6.

Mr. Cullen moved to amend the amendment as follows: Strike out all after the word "allowed," and insert "their actual expenses in going to and returning from said asylum," which motion prevailed, and the amendment to the amendment was adopted.

Mr. Blake introduced H. B. No. 21, "An Act concerning county sinking funds and certain taxes," which was read first and second times and referred to the Judiciary Committee.

Mr. DeWolfe introduced H. B. No. 22, "An Act to amend an act entitled 'An Act to incorporate the town of Butte,'" which was read first and second times and referred to a special committee consisting of the members from Deer Lodge county.

Mr. Corbly introduced H. B. No. 23, "An Act for the distribution of license taxes," which was read first and second times and referred to Committee on Ways and Means.

Mr. Kennerly introduced H. B. 24, "An Act concerning prairie fires," which was read first and second times and referred to the Committee on Printing.

House Bill No. 2, having passed the Council, was ordered enrolled.

H. B. No. 3 was referred to Engrossment Committee.

A communication from Guthrie & Co., proposing to furnish Text Books for schools, was received and referred to select committee.

On motion, House took recess until 2 o'clock p.m.

2 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment have the honor to report that C. B. 9, entitled "An Act to revise and codify the general laws of the Territory of Montana, in force at the expiration of the Eleventh Regular Session of the Legislative Assembly, on the 21st day of February, 1879," was presented by said committee to His Excellency the Governor, for his approval, on the 25th day of January, at 11:45 a.m.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,

January 26th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chambers presented petitions from citizens of Missoula county in regard to Sunday law.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 3, entitled "A bill for an act to establish the rate of interest on territorial and county warrants," beg leave to report that they have examined the same, and report the bill correctly engrossed.

Mr. DeWolfe reported as follows:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 22, beg leave to report the same back to the House, and unanimously to recommend its passage in the form it was introduced.

On motion, the report was received, and committee discharged.

On motion of Mr. Blake, the bill and report were committed to the Committee of the whole House.

The following notices of the introduction of bills were given:

By Stedman—"An Act in relation to justices of the peace."

By Cullen—"An Act relative to water rights."

By Garlock—"An Act concerning chattel mortgages."

By Houser—"A bill to repeal an act entitled 'An Act to provide for the support and maintenance of the Butte City Fire Department,' approved February 16, 1877."

By Blake—"An Act concerning the seven per cent. bond sinking fund."

Also, A bill for "An Act concerning vital statistics."

Also, a bill for "An Act concerning the official terms of justices and constables."

Mr. Blake introduced H. B. 25, "An Act concerning hurdy-gurdy houses and certain saloons," which was read first and second times, and referred to the Judiciary Committee.

Also, H. B. 26, a bill for "An Act concerning the territorial library," which, under a suspension of the rules, was read first and second times by title, and referred to a committee composed of the judiciary committees of both houses.

Mr. Hanley introduced H. B. 27, "An Act to amend Section 44 of the code of civil procedure," which was read first and second times, and referred to the Judiciary Committee.

Mr. Cullen introduced H. B. 28, "An Act to provide for payment for live stock killed or injured by railroads," which was read first and second times, and referred to the Judiciary Committee.

Mr. Davis introduced H. B. 29, "An Act for the purpose of changing the county seat of Beaverhead county," which was read first and second times, and referred to the Committee on Towns and Counties.

Mr. Blake moved the following:

Resolved, By the House, the Council concurring, that all House and Council bills concerning the territorial library, or law library of the Territory, be referred to a select committee, consisting of the members of the committee on the judiciary of both houses.

The resolution was adopted.

H. B. 3 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Nays—Garlock and Powers—2.

Title agreed to.

H. B. 7 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Rogers, Sedman, Stedman and Wilson—22.

Nays—Powers and Mr. Speaker—2.

Title amended to read, "An Act to regulate the fees of sheriffs for board of prisoners."

H. B. 9 being on its third reading, was postponed to 10 a.m., Jan. 27th.

On motion of Harrington, the House concurred in C. C. R. 4, relating to examination of the penitentiary.

Mr. Garlock, from Committee on Enrollment, reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bill No. 4 and House Bill No. 10, and that they find both of said bills correctly enrolled.

House went into Committee of the Whole on general orders—Mr. Blake in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Blake, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. 22, entitled "An Act to amend an act entitled 'An Act to incorporate the town of Butte,'" and the report of the Select Committee thereon, having had the same under consideration, direct me to report the bill back to the House, with the recommendation that it do pass.

By unanimous consent, House took up H. B. 4, being the special order for 2 o'clock p.m., and,

On motion of Mr. Blake, it was made special order for 11 a.m., Jan. 27.

Mr. Speaker announced he was about to sign C. B. 4.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,

January 27th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

House proceeded to consider H. B. 9, being the special order for 10 o'clock a.m., and, on motion, it was made special order for 10:30 a.m.

Mr. Blake presented a petition from citizens of Madison county, in regard to Sunday law.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined and find correctly printed H. Bs. 19 and 20.

H. B. 19 was referred to the Committee on Grazing and Stock Growing, and H. B. 20 to the Judiciary Committee.

Mr. Chambers reported as follows:

Mr. Speaker:

Your Committee on Corporations to whom were referred H. B. No. 13, entitled a bill for "An Act to amend an act entitled 'An Act concerning fire insurance companies and agents,'" having considered the same, beg leave to report the bill back to the House with the following amendments:

1. Amend the title so that it will read as follows: A bill for "An Act concerning insurance companies and agents."

2. Amend Section 1, by striking out all after "1," line one, to and including "1879," line four, and insert in lieu thereof the following words: "That Section 723 of the fifth division of the Revised Statutes."

3. Amend Section 1, line seventeen, by striking out the words "or otherwise."

4. Amend Section 2, by striking out all of line after "section," and inserting in lieu thereof the following words: "726 of the fifth division of the Revised Statutes."

5. Amend Section 2, line thirteen, by inserting after "therefor," the following words: "in each county containing more than four thousand inhabitants."

6. Amend Section 2, line fifteen, by inserting after "and," the following words: "in each county containing four thousand inhabitants, or less, at the rate of five dollars per quarter, or twenty dollars per annum."

7. Amend Section 3, line one, by striking out all after "that," and inserting the following words: "insurance companies which comply with the provisions of Chapter XXXI, fifth division of the Revised Statutes, shall not be required to file in any office the documents mentioned in the act entitled 'An Act concerning foreign corporations,' approved July 22, 1879."

8. Strike out Section 4.

And your committee recommend that that the bill, as amended, do pass.

The report was adopted, and

Mr. Cullen moved to amend by striking out the word "ten," in the provision relating to license, and insert "twelve and one half," and in the same provision strike out "five," and insert "seven," which amendment prevailed, and the bill was referred to the Engrossment Committee.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred H. B. No. 17, have had the same under consideration, and respectfully report the bill back with the accompanying substitute, and recommend that the substitute be adopted, and that the same do pass.

The substitute reported was adopted.

Mr. Blake moved to amend Section 1 of the bill, by inserting in line seven, after the word "minor," the words "or any female person," which amendment was lost.

Mr. Cullen moved to amend by adding as Section 3 the following: "SEC. 3.—That Section 193 of the fourth subdivision of the Revised Statutes, entitled Criminal Laws, be, and the same is hereby repealed."

The amendment was adopted, and the bill was ordered engrossed.

Mr. Blake, by consent of the House, reported a substitute for H. B. No. 9, which was adopted, and, under a suspension of the rules, was considered engrossed, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—21.

Nays—Corbly, Cullen and Davis—3.

Title agreed to.

Notices of the introduction of bills were given:

By Kennerly—"A bill concerning county printing."

By Cullen—"An Act amending the code of civil procedure."

By Sedman—"A bill to amend Section 1077, general laws, Revised Statutes."

The following message was received from the Governor:

TERRITORY OF MONTANA,
Executive Department,
HELENA,

January 26, 1881.

To the Legislative Assembly:

I have the honor to submit, for your information, a copy of an address of Hon. Erastus Brooks, of New York, delivered before the eighth annual meeting of the American Public Health Association, at New Orleans, La., December 9, 1880, entitled "What the State owes the People."

Only one copy having been furnished this department, the same is sent to the House of Representatives.

Respectfully,

B. F. POTTS.

On motion of Mr. Blake, the report of the Committee of the Whole upon H. B. 22, submitted January 26th, was adopted, and the bill ordered engrossed.

The following message was received from the Council:

COUNCIL CHAMBER,
January 26, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Hays gave notice of "An Act to apportion the members of the Legislative Assembly."

That Toole introduced C. B. 10, "An Act regulating the Montana Library."

That the Council refuse to concur in House amendment to Council amendment to H. C. R. No. 6, and requests the House to recede.

The resolution and amendments are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake moved that the House recede from its amendment to the resolution, and the ayes and nays being demanded, the motion prevailed by the following vote:

Ayes—Bell, Blake, Corbly, Davis, DeWolfe, Eastman, Hanley, Harrington, Houser, Humber, Kennerly, Powers, Rogers and Wilson—14.

Nays—Beach, Chambers, Clem, Cullen, Garlock, Parchen Pardee, Sedman, Stedman and Mr. Speaker—10.

Mr Corbly moved that the House do now concur in the Council amendment to said resolution, which motion prevailed.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment have examined House Joint Memorial No. 1, and report the same correctly enrolled.

Mr. Houser introduced H. B. No. 30, "An Act to repeal an act entitled 'An Act to provide for the support and maintenance of the Butte city fire department,'" which was read first and second times and referred to a special committee consisting of the members resident at Butte.

Mr. Blake introduced H. B. 31, a bill for "An Act concerning the seven per cent. bond sinking fund," which was read first and second times and ordered printed.

Also, H. B. 32, a bill for "An Act concerning the official terms of justices and constables," which was read first and second times and referred to the Judiciary Committee.

Mr. Stedman introduced H. B. 33, a bill for "An Act defining the jurisdiction of justices of the peace," which was read first and second times and referred to the Judiciary Committee.

Mr. Cullen introduced H. B. No. 34, a bill for "An Act relative to water rights," which was read first and second times and ordered printed.

H. B. 18, having passed its second reading, was referred to a committee consisting of the members from Chouteau county.

The hour for the consideration of H. B. 4, being the special order for 11 a. m., having arrived,

Mr. Blake moved a substitute, which was adopted, and,

On motion of Mr. Cullen, its further consideration was postponed until 2 o'clock p. m., Jan. 28th.

Mr. Cullen moved to postpone the consideration of H. B. 6 until 2 p. m. on Monday, which motion

Mr. Blake moved to amend by substituting the hour of 10.30 a. m. on Saturday. The amendment was lost and the question being on the postponement to 2 p. m. on Monday, the motion prevailed.

On motion of Sedman, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,

January 28th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blake presented a petition from the Ministerial, Literary and Theological Association of the M. E. Church, in regard to a Sunday law.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined and find correctly printed H. B. 24.

The bill was referred to the Committee on Grazing and Stock Growing.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 13, entitled a bill for "An Act concerning insurance companies and agents;" also, H. B. No. 17, entitled a bill for "An Act to require persons keeping gaming houses to prohibit boys from stopping therein;" and H. B. No. 22, entitled "An Act to amend an act entitled 'An Act to incorporate the town of Butte,'" beg leave to report that they have examined the same, and report the same correctly engrossed.

The bills reported were filed for third reading.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that H. J. M. No. 2 has been examined and found correctly enrolled, and that the same is herewith presented to the presiding officer of this House for his signature.

Mr. Cullen, chairman of Judiciary Committee, reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 5, entitled "A bill for an act defining the qualifications of jurors," have had the same under consideration, and recommend that the substitute bill herewith reported do pass.

On motion of Mr. Blake, the substitute was adopted and ordered engrossed.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee to whom were referred C. B. No. 3, entitled "An Act to prescribe the fees of jurors and witnesses in probate and justices' courts," have had the same under consideration, and recommend that it do pass.

Also as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 33, entitled "A bill for an act defining the jurisdiction of justices of the peace," have had the same under consideration, and report it back, with the recommendation that the substitute bill herewith reported do pass.

The substitute was adopted.

The following message was received from the Council:

COUNCIL CHAMBER,

January 27, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Browne introduced C. B. 11, "An Act to provide for the election of officers of Beaverhead county."

The following notices were given:

By Hundley—"An Act to repeal the license required from assayers."

By Morris—"An Act to repeal an act entitled 'An Act concerning mineral deputy surveyors.'"

That H. C. R. 9 has been concurred in by the Council, and it is transmitted herewith.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The following report was received:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 12, entitled "An Act to repeal Section 156 of the criminal laws," have had the same under consideration, and recommend that the substitute bill, herewith reported, do pass.

Also the following:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 27, entitled "An Act to amend Section 44 of the code of civil procedure," have had the same under consideration, and report it back with the recommendation that it do not pass.

The substitute reported for H. B. 12 was adopted.

On motion of Mr. Corbly, H. B. 27 and the report thereon were referred to the Committee of the whole House.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 28, entitled "An Act to provide for payment for live stock killed or injured by railroads," have had the same under consideration, and report it back with the recommendation that it do pass.

Also as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 32, entitled "An Act concerning official terms of justices and constables," have had the same under consideration, and recommend that it be amended by striking out lines one, two and three, in Section 462, and insert instead the following: "SEC. 462.—That at the next general election and biennially thereafter," and with such amendment, recommend that it do pass.

H. B. 28, reported as above, under a suspension of the rules, was considered engrossed, and filed for third reading.

On motion of Mr. Blake, H. B. 32 and the report thereon were laid on the table.

Mr. Houser reported as follows:

Mr. Speaker:

Your Special Committee, to whom were referred H. B. No. 30, "An Act to repeal an act entitled 'An Act to provide for the support and maintenance of the Butte city fire department,'" respectfully report the same back, and unanimously recommend its passage.

The bill was referred to the Engrossment Committee.

Notices were given:

By Chambers—A bill for "An Act to provide for the better observance of Sunday as a day of rest."

By Harrington—"An Act to amend 'An Act concerning license.' approved February 16, 1877."

By Sedman—"An Act regulating the expenditure of taxes on roads and highways."

By Blake—A bill for "An Act concerning laws."

By Wilson—"A bill in relation to taxing jury fees in civil cases."

By Garlock—"An Act fixing the term of office of county commissioners;"

Also, "An Act to repeal Article 14 of Chapter XV of the fifth division of the Revised Statutes, so far as the same relates to the county of Custer."

On motion of Mr. DeWolfe, the House reconsidered the vote by which it concurred in the Council amendment to H. C. R. 6.

Mr. DeWolfe moved that the House do not concur in said amendment, and that the Council be requested to recede therefrom, which motion prevailed.

Mr. Garlock introduced H. B. 35, "A bill for An Act concerning chattel mortgages, which was read first and second times, and referred to the Judiciary Committee.

H. B. 28 was read third time, and, by unanimous consent, referred to the Committee on Grazing and Stock Growing.

H. B. 22 was read third, time and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Garlock—1.

Title agreed to.

H. B. 17 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Eastman, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Wilson—13.

Nays—Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly and Mr. Speaker—11.

Title agreed to.

H. B. 13 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—24.

Nays—None.

Title agreed to.

C. B. 3 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, DeWolfe, Eastman, Garlock, Hanley, Houser, Kennerly, Parchen, Pardee, Sedman, Stedman and Wilson—17.

Nays—Clem, Davis, Harrington, Humber, Powers, Rogers and Mr. Speaker—7.

Title agreed to.

Mr. Speaker announced that he was about to sign H. J. M. No. 1, H. J. M. No. 2 and H. J. M. No. 10.

On motion of Mr. Blake, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Clem gave notice of a motion to reconsider the vote by which H. B. 17 was passed.

House took up H. B. 4, it being the special order for 2 o'clock p.m., and,

On motion of Mr. DeWolfe, its consideration was postponed to 11 a.m., Jan. 29th.

The following message was received from the Council:

COUNCIL CHAMBER,

January 28, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Hundley

introduced C. B. 12, "An Act to repeal the license required from assayers."

Browne introduced C. J. R. 1, "For the relief of Woolfolk, McQuaid and LaCroix."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole on general orders—Mr. Corbly in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Corbly, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. 27, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do not pass.

On motion, the report was adopted.

House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,
January 29th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing, to whom were referred the supplemental report of your Joint Judiciary Committee, find the same correctly printed.

The following message was received from the Council:

COUNCIL CHAMBER,
January 28, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Morris introduced C. B. 13, "An Act concerning mineral deputy surveyors."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. No. 5, entitled "A bill for An Act defining the qualifications of jurors," and H. B. No. 30, entitled "An Act to repeal an act entitled 'An Act to provide for the support and maintenance of the Butte city fire department,'" beg leave to report that they have examined the same and report the same correctly engrossed.

The following majority and minority reports were received:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 1, entitled "A bill for An Act to amend Section 286 of the criminal practice act, approved January 12th, 1872," have had the same under consideration, and a majority of your committee report it back with the recommendation that it do not pass.

CULLEN,
GARLOCK,
DEWOLFE.

The minority report was as follows:

Mr. Speaker:

The undersigned, a minority of your Committee on the Judiciary, beg leave to report back to the House H. B. No. 1, entitled "A bill for An Act concerning challenges to jurors in criminal

cases," with the accompanying amendments, and recommend that the bill as thus amended do pass.

BLAKE,
CORBLY.

The amendments accompanying were as follows:

First—Amend Section 1, line one, by striking out all after "286," to and including "1872," line three, and insert in lieu thereof "of the third division of the Revised Statutes." Second—Amend eleventh clause of Section 286 by inserting after "state," line sixteen, the words "on oath."

Mr. Blake moved the adoption of the minority report, and the ayes and nays being demanded, the motion prevailed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Harrington, Houser, Parchen, Powers, Sedman, Stedman and Wilson—13.

Nays—Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Humber, Kennerly, Pardee, Rogers and Mr. Speaker—11.

The bill as amended was ordered engrossed for third reading.

On motion of Mr. Blake, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

House took up H. B. 4, it being the special order for 11 o'clock, and

Mr. Cullen moved to lay the bill on the table, and the ayes and nays being called for, the motion prevailed by the following vote:

Ayes—Beach, Chambers, Clem, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Pardee, Rogers, Wilson and Mr. Speaker—16.

Nays—Bell, Blake, Corbly, Eastman, Powers, Sedman and Stedman—7.

Absent—Parchen—1.

Mr. Garlock gave notice of a bill for "An Act concerning limited or special partnerships."

Also, a bill for "An Act concerning the official bonds of county officers."

Mr. Harrington moved as follows:

Be it Resolved, By the House, that the Territorial Auditor be requested to inform the House of the number of Revised Statutes remaining in his care, not disposed of.

The resolution was adopted.

Mr. Blake moved to take from the table H. B. 32, which motion prevailed, and,

On motion of Mr. Blake, the report of the Judiciary upon said bill was adopted and the bill ordered engrossed.

The following message was received from the Council:

COUNCIL CHAMBER,

January 29, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council insists on its amendment to H. C. R. 6, and it is herewith transmitted.

The Governor has approved C. B. 4.

The following notices were given:

By Hays—"An Act to repeal 'An Act concerning dower.'"

By Hundley—"An Act to provide for the acknowledgment of instruments in writing affecting real estate, by parties resident without the jurisdiction of the United States."

That H. B. 3 has passed the Council with amendments, and is transmitted with the amendments attached.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake moved that the House insist on its action in regard to Council amendment to H. C. R. 6, and ask the appointment of a committee of conference, which motion prevailed, and Mr. Speaker appointed as said Conference Committee on the part of the House, Mr. Blake and Mr. Rogers.

Mr. Cullen moved that the House concur in Council amendments "one" and "two," to H. B. 3, which motion prevailed.

Mr. Parchen moved that the House do not concur in the third amendment of the Council to said bill, which motion prevailed.

Mr. Garland introduced H. B. 36, "An Act concerning the term of office of county commissioners," which was read first and second times, and referred to the Committee on Ways and Means.

Mr. Rogers introduced H. B. 37, "An Act to amend Section 169 of the fifth division of the Revised Statutes," which was read first and second times, and referred to the Committee on Judiciary.

Mr. Humber introduced H. B. 38, "An Act concerning the exemption of firemen from jury duty," which was read first and second times, and referred to the Judiciary Committee.

Mr. Sedman introduced H. B. 39, "An Act to amend Section 1077 of the fifth division, Revised Statutes," which was read first and second times, and

Mr. Beach moved to amend by inserting "December" in lieu of "September," in the twenty-first line.

The bill and amendment were referred to Committee on Roads and Highways.

Mr. Beach introduced H. B. 40, "An Act concerning diseased sheep," which was read first and second times and ordered printed.

Mr. Blake introduced H. B. 41, "An Act concerning the construction of statutes," which was read first and second times, and referred to the Judiciary Committee.

Mr. Kennerly introduced H. B. 42, "An Act to provide for the public printing in the several counties in Montana Territory," which was read first and second times, and

Mr. Blake offered the following amendment: Insert, in Section 1, line five, after word "counties," the words "with the lowest bidders therefor."

Mr. Cullen moved to refer the bill and amendment offered to the Ways and Means Committee, which motion prevailed, and it was so referred.

H. B. 30 was read third time, and,

On motion of Mr. Bell, was postponed to 2 o'clock p.m., Feb. 1st.

H. B. 5 was read third time and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—23.

Nay—Harrington—1.

Title agreed to.

Mr. Cullen moved to pass the general orders for the day, which motion prevailed.

House adjourned to 10 a.m. on Monday.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,

January 31st, 1881.

House met pursuant to adjournment.

Roll called—quorum present.

Absent—Mr. Speaker and Mr. Sedman.

On motion of Mr. Blake, Mr. Cullen was appointed Speaker *pro tem*.

Prayer by the Chaplain.

Journal of twentieth day read and approved.

Mr. DeWolfe presented petition from citizens of Deer Lodge county, in regard to the division of the same into two counties.

Mr. Houser presented petition upon same subject from citizens of Silver Bow.

Mr. Kennerly reported as follows:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 16, "An Act to amend 'An Act for the protection of game,' etc.," have the honor to report that they have had the same under consideration, and recommend that it do pass with the following amendment: Strike out all of Section 2, after and including the word "and," in the fifteenth line.

On motion of Mr. Stedman, the bill and amendment were referred to Committee of the Whole, and placed on general orders.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined H. B. No. 2, and find the same correctly enrolled.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 1, entitled "A bill for An Act concerning challenges to jurors in criminal cases," and H. B. No. 32, entitled "A bill for An Act concerning the official terms of justices and constables," beg leave to report that they have examined the same and report the bills correctly engrossed.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. 31, and find it correctly printed.

Mr. Humber reported as follows:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 19, respectfully report that in Section 1, printed bill, second line, the word "strong" be inserted between the words "one" and "pole," and as so amended recommend its passage.

The amendment reported was adopted, and the bill ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 28, report the same back without amendment, and recommend that it do pass.

HUMBER,
Chairman.

Also the following:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 24, "An Act concerning prairie fires," report same back to the House without recommendation.

HUMBER,
Chairman.

H. B. 28, reported without amendment, was ordered engrossed. Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred that portion of the Governor's message relating to education, have had the same under consideration, and beg leave to report the accompanying bill for "An Act to provide for a system of public schools."

On motion of Mr. Blake, H. B. 31, reported correctly printed, was referred to the Committee on Ways and Means.

Mr. Parchen reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred H. B. No. 15, respectfully report that they have had the same under consideration, and are of the opinion that said bill, as introduced, should not pass.

But your committee are of the unanimous opinion that the

adoption of a uniform series of text books for the public schools of Montana for a period of four years, would be of great value, and for the purpose of securing the end desired, beg leave to offer for the consideration of the House, as a substitute for said bill, a bill prepared by your committee, which is submitted herewith.

On motion of Mr. Garlock, the bill and substitute reported were referred to the Committee of the Whole, and placed on general orders.

Notices were given:

By Harrington—"A bill to incorporate the town of Skalkaho."

By Corbly—"A bill for the repeal of Article 3, Chapter XXX, Section 722 of the Revised Statutes."

Mr. Clem moved to reconsider the vote by which H. B. 17 was passed in the House, which motion prevailed.

On motion of Mr. Blake, Mr. Sedman was granted leave of absence for the day.

On motion of Mr. Kennerly, Mr. Speaker was granted leave of absence for the day.

Mr. Blake moved to take from the table H. B. 4, and the ayes and nays being demanded, the result was as follows:

Ayes—Bell, Blake, Clem, Eastman, Harrington, Houser, Humber, Parchen, Powers, Rogers and Stedman—11.

Nays—Beach, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Kennerly, Pardee and Wilson—11.

Absent with leave—Sedman and Mr. Speaker—2.

Failing of a two-thirds vote the motion was lost.

Mr. Humber moved to reconsider the vote by which H. B. 4 was laid on the table, and the ayes and nays being demanded, the motion prevailed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Davis, DeWolfe, Eastman, Hanley, Harrington, Houser, Humber, Parchen, Powers, Rogers and Stedman—16.

Nays—Corbly, Cullen, Garlock, Kennerly, Pardee and Wilson—6.

Absent with leave—Mr. Sedman and Mr. Speaker—2.

On motion of Mr. DeWolfe, the bill was referred to the Committee of the whole House, and placed on general orders.

H. B. 43, a bill for "An Act to provide for a system of public schools," reported from the Committee on Education and Labor, was, under a suspension of the rules, read first and second times by title, and ordered printed.

Mr. Harrington introduced H. B. 44, "An Act to amend the law concerning licenses," which was read first and second times, and referred to the Committee on Ways and Means.

Mr. Chambers introduced H. B. 45, a bill for "An Act to provide for the better observance of Sunday as a day of rest," which was read first and second times.

Mr. Blake moved to amend by striking out the words "the

first day of the week, commonly called," which amendment was adopted.

Mr. Pardee moved to amend by exempting Deer Lodge county from the provisions of the bill.

Mr. Harrington moved to amend the amendment so as to include Meagher county, the amendment to the amendment was lost, and the question being on the amendment, the same was lost.

Mr. Harrington moved to amend by striking out all after the "enacting clause," and insert the following in lieu thereof: "SEC. 1.—That the regularly constituted authorities of an incorporated city, town or village, shall have power to make such laws and regulations as to them seem best for the observance of the Lord's day."

Mr. Beach moved to refer the bill and amendment to the Committee on Education and Labor, which motion

Mr. DeWolfe moved to amend by substituting the Committee on Internal Improvements, which amendment prevailed, and the bill was so referred.

H. B. No. 1 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Eastman, Harrington, Houser, Humber, Parchen, Powers, Rogers, Stedman and Wilson—15.

Nays—Cullen, Davis, DeWolfe, Garlock, Hanley, Kennerly and Pardee—7.

Absent with leave—Sedman and Mr. Speaker—2.

Mr. DeWolfe moved to amend the title so as to read "An Act to amend Section 286 of the third division of the Revised Statutes."

The motion was lost, and the title was agreed to.

H. B. 32 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—21.

Nay—Clem—1.

Absent—Sedman and Mr. Speaker—2.

Title agreed to.

On motion of Mr. Beach, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker *pro tem.* in the chair.

Roll called—quorum present.

House went into Committee of the Whole on H. B. 6, the special order for 2 p.m.—Mr. Garlock in the chair.

House resumed—Mr. Speaker *pro tem.* in the chair.
Mr. Garlock, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 6, have directed me to report progress, and ask leave to sit again.

The following communication was received:

HELENA,

January 31, 1881.

Hon. J. J. Donnelly, Speaker, House of Representatives, Helena, Montana:

Sir—In response to the resolution of the House of Representatives, inquiring how many copies of the Revised Statutes of 1879 remain undistributed, I have the honor to report the number to be one hundred and twenty (120).

Very respectfully,

Your obedient servant,

J. P. WOOLMAN,

Territorial Auditor.

On motion, the House adjourned.

JOHN J. DONNELLY,

Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,

February 1st, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 19, entitled "An Act in relation to barbed wire fences," and H. B. No. 28, entitled "A bill for An Act to provide for live stock killed or injured by railroads," beg leave to report that they have examined the same, and report the bills correctly engrossed.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. 34, and find it correctly printed.

On motion of Sedman, the bill was referred to a Committee consisting of the Committee on Grazing and Stock Growing, and the Committee on Mines and Minerals.

Notices were given:

By Harrington—A bill for "An Act for the distribution of Revised Statutes of 1879."

By Beach—A bill for "An Act to refund the bonded debt of Lewis and Clarke county."

Mr. Garlock introduced H. B. 46, "An Act to repeal Article 14 of Chapter XV of fifth division, Revised Statutes, as far as relates to Custer county," which was read first and second times, and referred to the Judiciary Committee.

Mr. Corbly introduced H. B. 47, "An Act to repeal Section 722 of the fifth division of the Revised Statutes," which was read first and second times, and referred to Committee on Territorial Affairs.

H. B. 19 was read third, time and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, DeWolfe, Eastman,

Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—20.

Nays—Corbly, Cullen, Davis and Garlock—4.

Title agreed to.

H. B. No. 28 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—24.

Nays—None.

Title agreed to.

House went into Committee of the Whole on general orders—
Mr. Garlock in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Parchen moved a recess until 2 o'clock p.m., which motion was lost.

Mr. Cullen moved that the House proceed to the consideration of H. B. 15, pending which,
House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,

February 2d, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blake presented petition in regard to barbed wire fence.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report Council Bill No. 3 correctly enrolled, and that the same is herewith presented for the signature of the presiding officer of this House.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred H. B. No. 29, have had the same under consideration, and report the same back to the House without recommendation.

The following message was received from the Council:

COUNCIL CHAMBER,
February 1, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council, complying with the request of the House, returns H. B. 17.

The Council has receded from its third amendment to H. B. 3; the bill is transmitted.

Mr. President has appointed Messrs. Morris and Hays a Committee of Conference on H. C. R. 6.

The following notices have been given:

By Morris—"An Act for the relief of Cornelius Hedges."

By Hays—"An Act to enable School District No. 7, Gallatin county, to erect a schoolhouse."

Bills were introduced as follows:

By Mitchell—C. B. 14, "An Act to prevent woman beating in the Territory of Montana."

By Hays—C. B. 15, "An Act to repeal 'An Act concerning dower.'"

By Hays—C. B. 16, "An Act concerning small estates."

By Hundley—C. B. 17, "An Act providing for the acknowledgment of any power of attorney or instrument of conveyance affecting real estate, by parties residing without the jurisdiction of the U. S."

By Hays—C. B. 18, "An Act to enable the people of Bozeman to erect a schoolhouse."

By Hays—C. B. 19, "An Act concerning the qualification of electors."

By Hays—C. J. R. 2, "For the distribution of the Revised

Statutes," which was read first and second times, rules suspended, and passed and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. 40, and find it correctly printed.

The bill was referred to the Committee on Grazing and Stock Growing.

Mr. Houser reported as follows:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 45, a bill for "An Act to provide for the better observance of Sunday as a day of rest," respectfully submit that they have had the same under consideration, and report it back to the House without recommendation.

Mr. Clem moved to amend by striking out all after the enacting clause, and insert "That the authorities of any incorporated town or village may make such regulations as they deem necessary for the observance of the Lords day," and the ayes and nays being demanded the amendment was lost by the following vote:

Ayes—Bell, Clem, DeWolfe, Garlock, Hanley, Harrington, Houser and Rodgers—8.

Nays—Beach, Blake, Chambers, Corbly, Cullen, Davis, Eastman, Humber, Kennerly, Parchen, Pardee, Powers, Sedman, Stedman, Wilson and Mr. Speaker—16.

On motion of Mr. Cullen the bill was then referred to the Committee on Education and Labor.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. 44, entitled "A bill for An Act to amend the law concerning licenses," beg leave to report the same back to the House with recommendation that it do pass.

The amendments were as follows:

Strike out of line 1 that portion after the word "between,"

up to and including the word "and," and insert after the numerals "805," in said line, "of the fifth division of the Revised Statutes."

Strike out all that portion beginning on the third line and ending on the twenty-sixth line.

Strike out all after the word "hazarded," in the thirty-third line, up to and including the word "month," in the forty-second line, and insert in lieu thereof, "shall pay fifty dollars per quarter for each and every game played or dealt therein."

Also as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. 31, "An Act concerning the seven per cent. bond sinking fund," respectfully report that they have considered the same and herewith report it back to the House with the recommendation that it do pass.

The bill was ordered engrossed.

Also as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. 36, having had the same under consideration, beg leave to report it back to the House with the accompanying substitute and recommend that said substitute do pass.

The substitute was adopted and ordered engrossed.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. No. 41, have had the same under consideration and are of opinion that the subject matter of said bill is sufficiently covered by the provisions of the repealing clause of the Revised Statutes, as passed. We therefore report said bill back to the House, recommending that the same be indefinitely postponed.

The report was adopted, and the bill was indefinitely postponed.

Mr. Garlock, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were re-

ferred H. B. No. 6, entitled "An Act to create the county of Silver Bow and for the election of officers thereof," together with the reports thereon of a majority and a minority of your select committee composed of the members of the Deer Lodge delegation, have had the same under consideration and have instructed us to report the same back to the House with the amendments hereinafter specified. The amendments offered, reference being made by number to the lines and sections of the printed bill, are the following:

1.—That all that portion of Section 1, beginning with the word "which," in line one, and extending down to and including the word "Territory," in line four, be struck out, and that there be inserted in lieu thereof the following: "lying and situate south and east of the following line, to wit: beginning at the point where the first standard parallel north of the base line, according to the government survey of the public lands for Montana Territory, crosses the eastern boundary of said Deer Lodge county, thence west along said first standard parallel, north of said base line, to the point where said parallel intersects the Deer Lodge guide meridian, according to said government survey, thence south six (6) miles (more or less) to the southeast corner of township No. four (4) north of range No. ten (10) west of the principal base and meridian for Montana Territory, thence west to the western boundary of said Deer Lodge county."

2.—That Section 1 be further amended, by [adding] at the end thereof the following:

"All laws of a general nature applicable to the several counties of this territory, and the officers thereof are hereby made applicable to the county of Silver Bow, and the officers who may hereafter be elected or appointed therein, except as otherwise provided in this act."

3.—That Section 2 be amended by striking out the words "thirtieth day of April," in line two, and inserting in lieu thereof the words "first day of March."

4.—That there be inserted at the end of Section 2 the following:

"SEC. 3.—The county commissioners of Deer Lodge and Silver Bow counties shall meet at the court house in the town of Deer Lodge, on the first Monday in March, A. D. 1881, to adjust the indebtedness between said counties upon the basis named in Section 2 of this act. When adjusted, if the county of Silver Bow shall be liable for any part thereof, it is hereby made the duty of the county commissioners of said last named county to cause to be issued to the county commissioners of Deer Lodge county, a warrant or warrants therefor, which, in the aggregate, shall equal the amount of said indebtedness for which the county of Silver Bow, shall, under the adjustment mentioned, be liable; and said warrant or warrants, if not paid on presentation to the treasurer of Silver Bow county, shall be by said treasurer endorsed 'not paid for want of funds in the treasury,' and shall

thereafter bear like interest as other county warrants endorsed in like manner, issued prior to March 6th, 1881. If the county of Silver Bow, upon said adjustment, shall be entitled to any portion of the funds on hand in the county of Deer Lodge, it shall be the duty of the county commissioners of the latter county to cause to be issued like warrants for the amount thereof to the county commissioners of Silver Bow county, which warrant or warrants, if not paid on presentation to the treasurer of Deer Lodge county, shall be endorsed by said treasurer, in like manner as in the former case, and after said endorsement shall bear a like rate of interest."

5.—That Section 3 be amended by changing the number thereof to "4," by changing the word "May," in line one, to "April," and inserting after the word "coroner," in line four, the words "one county superintendent of schools."

6.—That Section 4 be amended by changing the number thereof to "5," and that the same be amended to read as follows:

"SEC. 5.—That Lee W. Foster, William M. Jack and J. Ross Clark are hereby appointed commissioners of Silver Bow county, with like powers and duties as by law are conferred upon county commissioners in other counties in this territory. Said persons, before entering upon their duties, shall severally give the bond and take the oath required of county commissioners; said bonds shall be filed with the territorial auditor, and thereafter said persons named shall enter on their duties as commissioners, and shall continue in office until their successors are elected and qualified as provided in Section 4 of this act."

7.—Amend Section 5 by changing the number thereof to "6," and by striking out the word "special," before the word "commissioners," in line two thereof.

8.—That Section 6 be amended by changing the number thereof to "7," and by striking out from line one the word "special."

9.—That Section 7 be amended by changing the number thereof to "8," and that the same be further amended to read as follows:

"SEC. 8.—The county commissioners of Silver Bow county shall, at their first regular meeting after the passage of this act, and after being elected and qualifying, decide upon, and levy the rate of taxation in said county for the year 1881, which levy shall be in conformity with the general law relating to the manner and amounts of taxes authorized to be levied. Said commissioners shall also have power and authority to contract for transcribing such parts of the public records of Deer Lodge county as they may deem useful and necessary to the county of Silver Bow and its inhabitants; and for this purpose shall have suitable access to the records of Deer Lodge county. Said records, when completed, shall be carefully compared with the originals by the county clerk of Deer Lodge county, and if correct, he shall certify to their correctness under his official seal, and thereafter,

the copies of said records so transcribed and certified to, shall be admitted and received in evidence in all courts of law in this territory, and shall be in all other respects entitled to like faith and credit as said original records. The county clerk of Deer Lodge county shall receive for his services in comparing and certifying the correctness of the copy of said records six dollars per diem while engaged in said labor, which amount shall be paid by the county of Silver Bow on the completion thereof."

10.—That there be inserted at the end of the amended Section 8, the following section, to be numbered "9:"

"SEC. 9.—All township and precinct officers, road supervisors, officers of school districts, and other officers of every kind within the county of Silver Bow, whose election is not herein provided for, shall, or may continue to hold said offices, and exercise the duties pertaining thereto, until the expiration of the term for which said officers were respectively elected or appointed. Whenever district courts are appointed for said county, the clerk (or deputy as the case may be) shall, from the time he enters on his duties, be paid for his public services, to be rendered said county and the officers thereof, as provided in Sections 1 and 2 of an act entitled 'An Act to provide compensation for clerks of the district courts,' approved July 22, 1879, an annual salary of eight hundred and twenty-five dollars, payable in quarterly payments, by warrants drawn on the contingent fund of said county, and shall, in addition to said salary, be entitled to the fees prescribed in said act. The county clerk and recorder of said county shall receive for his services, as defined in Section 1 of 'An Act in relation to fees of county clerks,' approved July 22d, 1879, a salary at the rate of seven hundred dollars per annum, payable quarterly, by warrant on the general fund of said county, and payable as other warrants are paid. Said officer shall also be entitled to the fees prescribed by law for recording deeds and other instruments, and for all other services rendered by him. The fees and enrollments of all officers of said county shall be as prescribed by law when not otherwise provided for in this act."

11.—That the number of Section 8 be changed to "10," and that said section be further amended to read as follows:

"SEC. 10.—The county of Silver Bow, and all persons in its name, are hereby prohibited from contracting any indebtedness whereby said county shall become bound in any sum which shall, at the time of contracting the same, exceed two and one half per cent. of the assessed value of the taxable property of said county, taking the last previous assessment thereof as the standard of valuation, and no cause of action shall lie against said county for any indebtedness contracted in its name above the limitation mentioned, however the same may be evidenced. But nothing herein contained shall deprive the holder of any indebtedness contracted in the name of, or on [the] behalf of said county, from a right of action against the person or persons who actually contracted the same, or who received a consideration therefor."

12.—That the number of Section 9 be amended by changing the same to "11," and that said section be further amended to read as follows:

"SEC. 11.—This act shall take effect from and after its passage; but the county of Silver Bow shall remain united to the county of Deer Lodge for judicial purposes until the 16th of May, A. D. 1881, and the officers of Deer Lodge county shall also act as officers of Silver Bow county until the date above named, except as otherwise provided in this act."

Your committee recommend that the foregoing amendments be adopted. It has further instructed me to report the said bill back to the House with the recommendation that the same, as amended, do pass.

All of which is respectfully submitted.

Mr. DeWolfe moved to amend by inserting "1st" instead of "16th," in the sixth line of Section 11; which motion prevailed, and Mr. DeWolfe moved the adoption of the report.

Mr. Clem moved to amend by adopting a substitute bill, which was submitted, and the ayes and nays being demanded, the motion to adopt the substitute was lost by the following vote:

Ayes—Clem, Harrington and Pardee—3.

Nays—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Sedman, Wilson and Mr. Speaker—20.

Absent—Stedman—1.

The ayes and nays being demanded on the motion to adopt the report, the members voted as follows:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Nays—Clem and Harrington—2.

The bill was referred to the Committee on Engrossment.

Mr. Speaker announced that he was now about to sign C. B. No. 3, also that he was now about to sign H. B. No. 2.

Notices were given as follows:

By DeWolfe—"A bill to amend Sections 44 and 45 of the first division of the Revised Statutes."

By Sedman—"An Act to repeal Article 4, Sections 127, 128 and 129, fifth division, Revised Statutes."

By Parchen—"An Act entitled 'An Act to incorporate the town of Helena.'"

By Chambers—"An Act to provide for the refunding of the fifteen per cent. bonds of Missoula county, and for other purposes."

By Rogers—"A bill for 'An Act to amend certain sections of the criminal laws.'"

By Bell—"A bill to enable the people of Butte to build a schoolhouse."

By Clem—"A bill to amend Section 1002, fifth division of Revised Statutes."

Mr. Clem moved to recall H. B. No. 4 from general orders, and place it on third reading. A division of the question was demanded, and the ayes and nays being called for, the bill was taken from general orders by the following vote:

Ayes—Bell, Blake, Chambers, Clem, Cullen, Davis, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers and Mr. Speaker—17.

Nays—Beach, Corbly, DeWolfe, Rogers, Sedman, Stedman and Wilson—7.

Mr. Cullen moved to lay the bill on the table, and the ayes and nays being called for, the motion prevailed by the following vote:

Ayes—Beach, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Humber, Pardee, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—16.

Nays—Bell, Blake, Clem, Harrington, Houser, Kennerly, Parchen and Powers—8.

Mr. Sedman gave notice of a motion to reconsider the vote by which H. B. 4 was laid on the table.

Mr. Cullen moved to now reconsider said vote, and the ayes and nays being demanded, the motion was lost as follows:

Ayes—Bell, Blake, Clem, DeWolfe, Harrington, Houser, Kennerly, Parchen, Powers and Sedman—10.

Nays—Beach, Chambers, Corbly, Cullen, Davis, Eastman, Garlock, Hanley, Humber, Pardee, Rogers, Stedman, Wilson and Mr. Speaker—14.

H. B. 3 was ordered enrolled.

C. J. R. 2 was read first and second times, and referred to the Committee on Ways and Means.

On motion of Mr. Sedman, House took a recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Sedman introduced H. B. 48, a bill for "An Act concerning roads and highways," which was read first and second times, and referred to the Committee on Roads and Highways.

Mr. Cullen introduced H. B. 49, a bill for "An Act amending the code of civil procedure," which was read first and second times, and referred to the Judiciary Committee.

The following message was received from the Council:

COUNCIL CHAMBER,

February 2, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has passed C. C. R. 5, and it is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake moved to suspend the rules, and that H. B. 33 be taken up and placed on third reading, which motion prevailed.

By unanimous consent, Mr. Blake offered the following amendment, which was adopted:

Amend Section 1 by striking out all after "1," down to and including "1879," line ten, and insert in lieu thereof "That Section 6 of the third division of the Revised Statutes."

The bill was ordered engrossed as amended.

Mr. Cullen moved to suspend the rules, and that H. B. 27 be considered engrossed and placed on its final passage, which motion prevailed, and,

On motion, the bill was laid on the table.

Mr. Cullen moved a suspension of the rules, and that H. B. 12 be considered engrossed and placed on its final passage. The motion prevailed, the bill was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Hanley, Houser, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—20.

Nays—Harrington and Kennerly—2.

Absent—Garlock and Humber—2.

Title agreed to.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 31, entitled a bill for "An Act concerning the seven per cent. bond sinking fund," beg leave to report that they have examined the same, and report the bill correctly engrossed.

H. B. 31 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—20.

Nays—Clem, Cullen and Harrington—3.

Absent—Humber—1.

Title agreed to.

On motion of Mr. Blake, the House reconsidered its agreement to the title of H. B. 12, and,

On motion of Mr. Blake, the title was amended to read "An Act to repeal the sections of the Revised Statutes relating to the sale of liquor to soldiers."

The following message was received from the Council:

COUNCIL CHAMBER,

February 2, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Aiken gave notice of "An Act concerning jurors."

The following bills were introduced:

By Kerley—C. B. 21, "An Act for the relief of W. G. Barkley."

By Hays—C. B. 22, "An Act concerning instructions to the jury."

By Morris—C. B. 23, "An Act for the relief of Cornelius Hedges."

By Hundley—C. B. 24, "An Act concerning game."

That C. B. 16 has passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,

February 2, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. B. 18 has passed the Council, and is transmitted with accompanying documents.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

On motion of Mr. Parchen, H. B. 15 was taken from general orders and made special order for 2 p.m. on Friday.

House went into Committee of the Whole on general orders—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.
On motion of Mr. Clem, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
February 3d, 1881.

House met pursuant to adjournment.
Mr. Speaker in the chair.
Roll called—quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. 44, entitled "An Act to amend the law concerning licenses;" also H. B. 36, entitled "An Act concerning the term of office of county commissioners;" also H. B. No. 6, entitled "An Act to create the county of Silver Bow, and for the election of officers thereof," beg leave to report that they have examined the same, and report the bills correctly engrossed.

The following notices were given:

By Donnelly—"An Act to provide for the formation of municipal corporations."

Also, "An Act creating a territorial board of health and vital statistics, and prescribing the powers and duties thereof."

Also "An Act repealing Article 13 of the fifth division of the Revised Statutes."

Also "An Act providing for the salaries of county and district officers."

On motion of Mr. Rogers, H. B. 29 was made special order for 2 p.m. on Wednesday.

C. B. 16, "An Act concerning small estates," was read first and second times, and referred to the Judiciary Committee.

C. B. 18, "An Act to enable the people of Bozeman to erect

a schoolhouse," was read first and second times, and referred to the Committee on Education and Labor.

Mr. Harrington moved that the House concur in C. C. R. 5, "In relation to telegraphing to officers of Congress," which motion was lost.

Mr. Sedman introduced H. B. 50, "An Act to repeal Sections 127, 128 and 129, Article 4, Chapter VII, fifth division, Revised Statutes," which was read first and second times, and referred to the Committee on Grazing and Stock Growing.

Mr. Wilson introduced H. B. 51, "An Act relating to the fees of jurors in the courts of Montana Territory," which was read first and second times, and referred to the Judiciary Committee.

Mr. DeWolfe introduced H. B. 52, "An Act respecting the limitation of actions," which was read first and second times, and referred to the Judiciary Committee.

H. B. 36 was read third time, and passed by the following vote:

Ayes—Beach, Blake, Chambers, Clem, Cullen, Davis, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Wilson and Mr. Speaker—18.

Nays—Bell, Corbly, DeWolfe, Sedman and Stedman—5.

Absent—Rogers—1.

Title agreed to.

H. B. 44 was read third time, and passed by the following vote:

Ayes—Beach, Blake, Chambers, Clem, Cullen, Davis, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Wilson and Mr. Speaker—17.

Nays—Bell, Corbly, DeWolfe, Powers, Rogers, Sedman and Stedman—7.

Title agreed to.

H. B. 6 being on third reading, Mr. Blake moved to suspend the rules, and read the bill by title, which motion prevailed; the bill was so read, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Mr. Speaker—21.

Nays—Clem, Harrington and Wilson—3.

Title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,

February 3, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that 'C. C. R. 6, "Adjournment," has passed the Council, and is transmitted.

That H. B. 9 has passed the Council with amendments, amendments attached, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake moved to concur in C. C. R. 6, transmitted as above, and the ayes and nays being demanded, the motion prevailed as follows:

Ayes—Blake, Chambers, Clem, Corbly, Davis, Eastman, Hanley, Harrington, Humber, Kennerly, Pardee, Rogers, Sedman, Wilson and Mr. Speaker—15.

Nays—Beach, Bell, Cullen, DeWolfe, Garlock, Houser, Parchen, Powers and Stedman—9.

H. B. 17 being on its final passage, Mr. Clem, by unanimous consent, moved to amend as follows:

Provided, That parents or guardians shall have previously given written notice to the owner or keepers of such saloons or gaming houses to not allow their boys or wards to resort to and remain therein.

The amendment was adopted.

Mr. Corbly, by consent, moved to amend by adding to Section 1, as follows: Any minor over the age of eighteen years, and under the age of twenty-one years, who shall represent to any person keeping such saloon that he is of lawful age, and, by means of such misrepresentation, is permitted to remain in said saloon, the proprietor or keeper thereof shall not be subject to the penalties prescribed by this act.

The amendment was lost, and the bill was ordered engrossed.

The following message was received from the Council:

COUNCIL CHAMBER,
February 3, 1881¹

Mr. Speaker:

I have the honor to inform your honorable body that the following notices were given:

By Cardwell—"To provide for the removal of the county seat of Jefferson county."

By Hundley—"An Act concerning the duties of fire warden."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Cullen moved to reconsider the vote on C. C. R. 5, which motion prevailed, and,

Mr. Cullen moved the following amendment: Strike out in

the fifth, sixth, seventh, eighth and ninth lines, the words, "the President of the Senate, and the Speaker of the House of Representatives of the Congress of the U. S., rehearsing this resolution and requesting a transmittal by telegraph of," and insert in lieu thereof, the words, "our Delegate in Congress enquiring."

Also, amend by striking out seventeenth, eighteenth and nineteenth lines.

The amendment was adopted, and the resolution so amended was,

On motion of Corbly, adopted.

Mr. DeWolfe reprinted as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration H. B. 16, and have agreed to report the same back to the House without recommendation.

The bill was ordered engrossed.

Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration H. B. 30, and have agreed to report back the bill in the form as introduced, and recommend its passage.

Also as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration H. B. No. 24, and have agreed to certain amendments thereto, in which form they recommend its passage.

The reports were adopted, and the bills ordered engrossed.

On motion of Cullen, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,

February 4th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Powers presented petition in regard to Sunday law.

Mr. Blake reported as follows:

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. No. 24, entitled "A bill for An Act concerning prairie fires," also, H. B. No. 16, entitled "A bill for an act to amend 'An Act for the protection of game,'" also H. B. No. 33, entitled "A bill for An Act concerning the jurisdiction of courts in criminal cases," and H. B. No. 17, entitled "A bill for An Act to require persons keeping gaming houses to prohibit boys from stopping therein," beg leave to report that they have examined the same, and report the bills correctly engrossed.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee of Ways and Means, to whom were referred H. B. 11, entitled "An Act to regulate the legal rate of interest," would respectfully report the same back with the recommendation that it do not pass.

Also as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred C. J. R. No. 2, "For the distribution of the Revised Statutes," having had the same under consideration, beg leave to report it back to the House with accompanying amendment, and with this amendment, recommend it do pass.

The amendment was as follows:

Strike out all after the word "be," in line five, and insert in

lieu thereof, "Distributed as follows: First—Forty copies to the Secretary of the Territory, for the use of the next Legislative Assembly. Second—Two copies to the Territorial Law Library; the remainder to the several county and township officers of each county, namely: One copy to each county commisssoner, county clerk, county treasurer and justice of the peace, upon application to the Territorial Auditor therefor."

On motion of Mr. Parchen, the amendment was adopted.

Mr. Humber reported as follows:

Mr. Speaker:

Your Committee, to whom were referred House Bill No. 50, respectfully report the same back without amendment, and recommend its passage.

Mr. DeWolfe reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 21, entitled "A bill for An Act concerning county sinking funds and certain taxes," have had the same under consideration, and recommend that the substitute bill, herewith reported, do pass.

On motion of Mr. Blake, the substitute was adopted.

Mr. DeWolfe reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 20, have had the same under consideration, and would recommend that the substitute bill, herewith reported, entitled, "An Act to amend Sections 353, 354 and 355 of the third division of the Revised Statutes, concerning new trials," do pass.

The substitute was adopted.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. 46, have had the same under consideration, and recommend that it be referred to a committee of the whole House.

The report was adopted, and the bill so referred.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that they have examined H. B. No. 3, and find the same correctly enrolled. The said bill is presented herewith to the Speaker of the House, for his signature.

The following reports were received:

Mr. Speaker:

Your Committee, to whom were referred C. B. 16, entitled "An Act concerning small estates," have had the same under consideration, and a majority of the committee report it back, with the recommendation that it do pass.

CULLEN,
Chairman.

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 38, entitled "An Act concerning the exemption of firemen from jury duties," have had the same under consideration, and recommend that it do pass.

DEWOLFE,
Chairman pro tem.

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 37, have had the same under consideration, and a majority of your committee report it back, with the recommendation that it do pass.

DEWOLFE,
Chairman pro tem.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary beg leave to report the accompanying bill for "An Act to establish the fees of the clerk of the supreme court," and recommend its passage.

The following report was received:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 34, "A bill for An Act relative to water rights," have had the same under

consideration, and report the same back with amendments, and recommend their adoption, and, as amended, its passage.

SEDMAN,
CLEM,
WILSON,
HUMBER,
HARRINGTON.

The amendments were as follows:

Amend Section 2 (printed bill): line two, between the words "purpose" and "this," insert "for a period of two years." In same line, after the word "ceases," add "except when such appropriation shall have been made for irrigating or mining purposes on lands for which patents have been obtained from the government of the United States."

Amend Section 6 by striking out lines six and seven.

Strike out Section 9.

Renumber Section 10 Section 9.

Strike out Section 11.

Renumber Section 12 Section 10.

Renumber Section 13 Section 11.

Renumber Section 14 Section 12.

Renumber Section 15 Section 13.

Renumber Section 16 Section 14.

Renumber Section 17 Section 15.

Renumber Section 18 Section 16.

Strike out, in Section 19, in first line, the words "now pending or," and renumber the section 17.

Renumber Section 20 Section 18.

Renumber Section 21 Section 19.

Renumber Section 22 Section 20.

The bill and amendments were referred to the Committee of the Whole.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee of Conference, to whom were referred H. C. R. No. 6, and the Council amendments, thereto, have met their conferees of the Council and considered the same, and respectfully report that the committee have agreed to substitute the following for the Council amendments: "And that each member of said committee shall be allowed the sum of fifty dollars, in full payment of his expenses in making the visit required." And with this amendment, your committee recommend that the resolution be adopted.

Mr. Blake moved the adoption of the amendment, which motion was lost.

Notices were given as follows:

By Garlock—"A bill for An Act concerning fences."

Also, a bill for "An Act attaching Dawson county to Custer for judicial, legislative and other purposes."

By Beach—A bill for "An Act defining and punishing swindling and fraudulent devices."

By Kennerly—A bill for "An Act to amend Section 1003, Chapter LIII of the fifth division of the Revised Statutes."

On motion of Mr. Beach, the House reconsidered the vote by which H. B. 44 was passed, and the bill was referred to the Committee on Territorial Affairs.

The following message was received from the Governor:

TERRITORY OF MONTANA,

Executive Department,

HELENA,

February 4, 1881.

To the Legislative Assembly:

I have the honor to transmit a communication from E. W. Knight, Esq., Commissioner appointed by the President of the United States to represent Montana Territory at the International Exhibition, to be held in the city of New York in the year 1883, to celebrate the one-hundredth anniversary of the treaty of peace between the United States and Great Britain.

A prominent feature of the Exhibition will be to place before the world specimens of the products of the soil, mines, manufactures, etc.

The Territory has been earnestly invited to take part in the Exhibition, and I respectfully recommend that a sufficient appropriation be made and placed at the disposal of the Commissioner, to enable the citizens of the Territory to place on exhibition such products of the Territory as will properly represent the great wealth of her soil and mines.

The original communication is sent to the Council, and a copy of the same is sent to the House of Representatives.

Respectfully,

B. F. POTTS.

The communication was referred to the Committee on Ways and Means.

Mr. Blake moved the following:

Resolved, That the Committee on the Judiciary be requested to inquire in what manner the proclamations, records, decisions and official proceedings of the Governor, Secretary, Territorial Auditor, Territorial Treasurer and Superintendent of Public Instruction, under the laws of this Territory, are recorded and preserved; and if, in the judgment of said committee, further

legislation is necessary to record and preserve the same, that they introduce a bill for that purpose.

The resolution was adopted.

Mr. Harrington presented H. C. R. 10, "In regard to manner of electing or appointing certain officers," and moved its adoption, which was lost.

Mr. Blake moved that the House concur in the Council amendment to H. B. 9, which motion prevailed, and the bill was ordered enrolled.

H. B. 53, "An Act to establish the fees of the clerk of the supreme court," introduced by the Judiciary Committee, was read first and second time, rules suspended, and filed for third reading.

Bills were introduced as follows:

By Donnelly—H. B. 54, a bill for "An Act creating a territorial board of health and vital statistics, and prescribing the duties thereof," which was read first and second times, and ordered printed.

By Stedman—H. B. 55, "An Act to prevent live stock from running at large in towns and cities," which was read first and second times, and referred to the Committee on Towns and Counties.

By Clem—H. B. 56, "An Act to amend Section 1002 of the fifth division of the Revised Statutes," which was read first and second times.

Mr. Blake moved to amend by striking out, in the seventh clause, "except those held under a patent from the United States," which amendment was lost, and the bill was referred to the Committee on Ways and Means.

On motion, House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Parchen presented proposition in regard to text books.

Mr. Donnelly presented proposition on same subject.

On motion, House went into Committee of the Whole on H. B. 15—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
Mr. Cullen, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. 15, have had the same under consideration, and have directed me to report it back to the House without recommendation.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined H. B. No. 9, and find the same correctly enrolled.

Also as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that C. B. No. 3 and H. B. No. 2 were presented to His Excellency the Governor for his approval, on the 4th February, 1881, at 1:45 p.m.

Mr. Speaker gave notice that he was now about to sign H. B. No. 3, also, that he was now about to sign H. B. No. 9.

H. B. 57, "An Act to provide for the refunding of the fifteen per cent. bonds of Missoula county and for other purposes," was read first and second times, and referred to the members from Missoula county.

H. B. No. 30 being on its final passage, passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Parchen, Pardee, Powers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Nays—None.

Absent—Houser and Rogers—2.

Title agreed to.

H. B. No. 17 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Cullen, Davis, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—21.

Nays—Corbly and DeWolfe—2.

Absent—Houser—1.

Title agreed to.

H. B. 24 was read third time, and passed by the following vote:

Ayes—Blake, Chambers, Clem, Cullen, Davis, Eastman, Garlock, Hanley, Harrington, Kennerly, Parchen, Pardee, Powers, Sedman, Stedman and Mr. Speaker—16.

Nays—Beach, Bell, Corbly, DeWolfe, Humber, Rogers and Wilson—7.

Absent—Houser—1.

Title agreed to.

H. B. 16 was read third time, and passed by the following vote:

Ayes—Beach, Blake, Chambers, Cullen, Davis, Eastman, Garlock, Hanley, Parchen, Sedman, Stedman and Mr. Speaker—12.

Nays—Bell, Clem, Corbly, DeWolfe, Harrington, Humber, Kennerly, Pardee, Powers, Rogers and Wilson—11.

Absent—Houser—1.

Title agreed to.

H. B. 33 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Parchen, Pardee, Powers, Sedman, Stedman, Wilson and Mr. Speaker—21.

Nays—Clem and Rogers—2.

Absent—Houser—1.

Title agreed to.

H. B. 53 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Kennerly, Parchen, Pardee, Powers, Sedman, Stedman and Mr. Speaker—19.

Nays—Harrington—1.

Absent—Houser, Humber, Rogers and Wilson—4.

Title agreed to.

Council Bill No. 16 was read third time, and passed by the following vote:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, Eastman, Hanley, Harrington, Humber, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—19.

Nays—Beach, DeWolfe, Garlock and Kennerly—4.

Absent—Houser—1.

Title agreed to.

C. J. R. No. 2, as amended by the House, was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—22.

Nays—None.

Absent—Cullen and Houser—2.

Title agreed to.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
February 5th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Parchen, H. B. 15, together with certain propositions relating thereto, was ordered printed.

The following message was received from the Council:

COUNCIL CHAMBER,
February 4, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have been introduced:

By Hays—C. B. 26, "An Act to extend the boundaries of Gallatin county."

By Cardwell—C. B. 27, "An Act to enable the citizens of Jefferson county to vote on the proposition of changing the county seat, and for other purposes."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole on general orders—
Mr. Blake in the chair.

House resumed—Mr. Speaker in the chair.
The following communication from the Governor was received:

HELENA,

February 4, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that I have this day approved H. B. No. 2, entitled "An Act to provide for the issuing of duplicate county warrants in certain cases."

Also, H. B. No. 10, entitled "An Act to amend an act entitled 'An Act to provide for the support and maintenance of the Helena Fire Department.'"

Respectfully,

B. F. POTTS,
Governor.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that H. B. No. 10, entitled "An Act to amend An Act to provide for the support and maintenance of the Helena Fire Department," was presented to the Governor for his approval at 5:20 p.m., on the 4th day of February, 1881.

On motion, House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER,

February 5, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Mitchell gave notice of "An Act amendatory of 'An Act to provide compensation for the clerks of district courts.'"

Hundley introduced C. B. 28, "An Act to amend Section 542, Chapter XXI, of the general election law."

The following have passed the Council, and are transmitted, to wit: C. B. 15, C. B. 17, C. B. 21, C. B. 22, C. B. 23, C. J. M. 1.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 4, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that notices were given as follows:

By Hundley—"An Act to amend Section 542, Chapter XXI of the general election laws."

By Kerley—"An Act to enable the commissioners of Meagher county to erect public buildings."

Hundley introduced C. B. 25, "An Act concerning the duties of fire warden."

H. B. 7 has passed the Council with amendments.

C. B. 19 has passed the Council.

C. B. 12 has passed the Council.

C. B. 13 has passed the Council.

Hundley introduced C. J. M. 1, "Concerning salmon."

H. B. 7, with amendments attached, C. B. 19, C. B. 12, and C. B. 13 are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 38, entitled "A bill for An Act concerning the exemption of firemen from jury duties," and H. B. No. 37, entitled "A bill for An Act to amend Section 169 of the fifth division of the Revised Statutes of Montana Territory," beg leave to report that they have examined the same, and report the bill correctly engrossed.

Mr. Hanley reported as follows:

Mr. Speaker:

Your Committee to whom were submitted H. Bs. Nos. 48 and 39, "In regard to roads and highways," have had the same under consideration, and recommend their passage with H. B. 39, as amended.

The report was adopted, and the bills were ordered engrossed.
Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom were referred H. B. No. 35, "An Act concerning chattel mortgages," have had the same under consideration, and respectfully recommend the adoption of certain amendments which accompany the bill, and, as so amended, recommend that the bill do pass.

The report was adopted.
Mr. Humber reported as follows:

Mr. Speaker:

Your Committee to whom were referred H. B. 4, "Concerning diseased sheep," respectfully report the same back without amendment, other than that marginal changes be made so as to conform to the provisions in Section 2 of this act, and so recommend its passage.

Report was adopted, and the bill was ordered engrossed.
Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred H. B. No. 45, have had the same under consideration, and beg leave to report that they can not agree, but a majority of whom would recommend that said bill be considered in Committee of the Whole.

Mr. Clem reported as follows:

Mr. Speaker:

Being a member of the committee to whom were referred H. B. No. 45, "An Act to provide for the better observance of Sunday," and believing that no law should be placed upon the statutes of Montana that does not act upon all classes of persons equally, and believing that such a bill is wished for by a considerable number of the people of Montana, and further believing that the bill, as introduced, does not provide an act that would act upon all classes with the equality and impartiality that would satisfy any considerable number of the people, I, therefore, offer the accompanying amendments, and with the adoption of said amendments, do most respectfully and urgently recommend its passage.

Mr. Cullen moved to lay the bill, with reports thereon, on

the table, which motion was lost, and the bill was referred to the Committee of the Whole and placed on general orders.

Mr. DeWolfe reported as follows:

Mr. Speaker:

Your Committee, to whom were referred House Bill 44, have had the same under consideration, and have agreed to report the same back to the House, with the recommendation that it be not passed.

Also as follows:

Mr. Speaker:

Your Committee, to whom were referred House Bill 47, have had the same under consideration, and have agreed to report said bill back to the House, with the recommendation that it pass.

Mr. Garlock moved to refer the bill, H. B. 47, to Committee of the Whole, which motion prevailed, and it was placed on general orders.

Mr. Davis reported as follows:

Mr. Speaker:

Your Committee, to whom were referred H. B. No. 57, "In relation to the refunding of the fifteen per cent. bonds of Missoula county," beg leave to report the same back, with the recommendation that it do pass.

The bill was ordered engrossed.

Mr. Blake reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred the message of the Governor concerning the Washington National Monument, and the documents accompanying the same, beg leave to report that they have considered the same, and recommend the adoption of the preamble and H. J. Resolution submitted herewith.

The report was adopted.

Notices were given as follows:

By Powers—"An Act to refund the outstanding ten per cent. bonds of Meagher county."

By Garlock—"An Act for the relief of Thomas H. Irvine."

By Cullen—"An Act relating to the official survey of the townsite of Helena."

By Beach—"An Act to establish the fees of district attorneys."

By Sedman—"An Act to amend Section 1135, fifth division Revised Statutes."

Mr. Corbly reported as follows:

Mr. Speaker:

Your Committee, to whom were referred that portion of the Governor's message relating to Indians, have had the same under consideration, and have instructed me to report the accompanying bill.

C. B. 15, "An Act to repeal 'An Act concerning dower,'" was read first and second times, and referred to the Judiciary Committee.

C. B. 17, "An Act providing for the acknowledgment of any power of attorney or other instrument affecting real estate, by persons residing without the jurisdiction of the United States," was read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Clem, the House concurred in Council amendment to H. B. No. 7, and the bill was ordered enrolled.

C. B. 21, "An Act for the relief of W. G. Barkley," was read first and second times, and referred to Committee on Ways and Means.

C. B. 12, "An Act to repeal the license required from assayers," was read first and second times, and referred to Committee on Mines and Minerals.

C. B. 19, "An Act concerning the qualification of electors," was read first and second times, and referred to Committee on Elections.

C. B. 22, "An Act concerning instructions to the jury," was read first and second times, and referred to the Judiciary Committee.

C. B. 23, "An Act for the relief of Cornelius Hedges," was read first and second times, and referred to the Judiciary Committee.

C. B. 13, "An Act concerning mineral deputy surveyors," was read first and second times, and referred to Judiciary Committee.

C. J. M. No. 1, "To the Congress of the United States," was read first and second times, and referred to Committee on Territorial Affairs.

The Committee on Indian Affairs introduced H. B. 58, "An Act to more effectually prevent the sale of liquor to Indians," which was read first and second times, and referred to the Judiciary Committee.

Mr. Stedman introduced H. B. 59, "An Act in relation to liens," which was read first and second times, and referred to the Judiciary Committee.

Mr. Beach introduced H. B. 60, a bill for "An Act defining and punishing swindling and fraudulent devices," which was read first and second times, and referred to Judiciary Committee.

Mr. Rogers introduced H. B. 61, "An Act concerning Sections 198, 199, 200, 201 and 202 of the Revised Statutes," which was read first and second times, and

Mr. Blake moved to strike out all after the enacting clause, and insert the following section: "SEC. 1.—That Sections 198, 199, 200, 201 and 202 of the fourth division of the Revised Statutes be, and the same are hereby repealed."

Mr. DeWolfe moved to refer the bill and amendment to the Judiciary Committee, and the ayes and nays being demanded, the motion prevailed as follows:

Ayes—Beach, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Pardee, Rogers, Stedman, Wilson and Mr. Speaker—16.

Nays—Bell, Blake, Clem, Harrington, Powers and Sedman—6.

Absent—Kennerly and Parchen—2.

Mr. Beach introduced H. B. 62, a bill for "An Act to provide for the redemption of the funded debt of Lewis and Clarke county," which was read first and second times, and referred to members from Lewis and Clarke county.

Mr. Donnelly introduced H. B. 63, a bill for "An Act to repeal Article 13 of the fifth division of the Revised Statutes," which was read first and second times, and referred to committee consisting of Corbly, Powers, Kennerly, Wilson and Chambers.

On motion of Mr. DeWolfe, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,

Febuary 7th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Mr. Cullen was called to the chair.

Journal of twenty-seventh day read and approved.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 40, entitled "A bill for An Act concerning diseased sheep;" also, H. B. No. 48, entitled "A bill for An Act concerning roads and highways;" and H. B. No. 39, entitled "A bill for An Act to amend Section 1077, fifth division, Revised Statutes," beg leave to report that they have examined the same, and report the bills correctly engrossed.

H. B. 37 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Wilson—22.

Nays—None.

Absent—Humber and Mr. Speaker—2.

Title was amended to read, "An Act concerning the sale and delivery of goods."

H. B. 38 was read third time, and, by unanimous consent,

Mr. Blake moved to amend by inserting after the word "officers," in line six, Section 1, the words, "the foreman and clerk and one engineer and one fireman of any organized fire company in this Territory."

The amendment was adopted and the bill was ordered engrossed.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bill 16, and find the same correctly enrolled. The same is herewith presented to the presiding officer for his signature.

H. B. 39 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Wilson—20.

Nays—Corbly, Cullen and Kennerly—3.

Absent—Mr. Speaker—1.

Title was amended to read "An Act concerning road supervisors."

H. B. 40 was read third time, and passed by the following vote:

Ayes—Beach, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber,

Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Wilson—21.

Nays—Bell and Clem—2.

Absent—Mr. Speaker—1.

Title agreed to.

H. B. 44 was read third time, and lost by the following vote:

Ayes—Chambers, Davis, Houser, Pardee and Powers—5.

Nays—Beach, Bell, Blake, Clem, Corbly, Cullen, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Parchen, Rogers, Sedman, Stedman and Wilson—18.

Absent—Mr. Speaker—1.

H. B. No. 48 was read third time, and,

On motion of Mr. Corbly, was laid on the table.

House went into Committee of the Whole on the general orders—Mr. Blake in the chair.

House resumed—Mr. Cullen in the chair.

On motion, House took a recess until 2 p. m.

2 O'CLOCK P.M.

House resumed—Mr. Cullen, Speaker *pro tem.*, in the chair.

Roll called—quorum present.

The following message was received from the Governor:

HELENA,

February 7, 1881.

To the Legislative Assembly:

I have the honor to transmit a communication from Mr. T. C. Power, proposing to build and navigate a steamboat on the Missouri River, above the Great Falls, for a consideration therein stated.

I respectfully ask for the proposition your careful consideration.

B. F. POTTS.

Mr. Stedman moved to refer the communication to a select committee of five, which motion prevailed, Mr. Speaker *pro tem.* appointing as such committee, Messrs. Stedman, Parchen, Kennerly, Humber and Harrington.

The following message was received from the Council:

COUNCIL CHAMBER,

February 7, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Mitchell introduced C. B. 29, "An Act to provide compensation for the deputy clerk of the district court of Beaverhead county."

Council concurs in House amendment to C. J. R. 2.

That H. B. 5, H. B. 32, C. B. 5, C. B. 8, C. B. 10, C. B. 11 and C. B. 24 have passed the Council, and are transmitted.

Respectfully,

HARRY R. COMLY,

Chief Clerk.

Mr. Blake moved a suspension of the rules, and that H. B. 21 be considered engrossed, read third time, and placed on final passage, which motion prevailed; the bill was so read, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Eastman, Hanley, Houser, Humber, Parchen, Powers, Rogers, Sedman, Stedman and Wilson—18.

Nays—Cullen, Garlock, Harrington, Kennerly and Pardee—5.

Absent—Mr. Speaker—1.

Title agreed to.

On motion of Mr. Blake, the rules were suspended, H. B. 20 was considered engrossed, read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Wilson—23.

Nays—None.

Absent—Mr. Speaker—1.

Title was amended to read "An Act concerning new trials in criminal cases."

On motion of Mr. Sedman, H. B. 11 was placed on general orders.

On motion of Mr. Parchen, the rules were suspended, H. B. 50 was considered engrossed, read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser,

Humber, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Wilson—22.

Nay—Kennerly—1.

Absent—Mr. Speaker—1.

Title was amended to read "An Act in relation to recording brands by butchers."

The following message was received from the Council:

COUNCIL CHAMBER,

February 7, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. B. 26 has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred H. B. 55, report the same back with substitute, and recommend its passage.

The report was adopted.

Mr. Sedman reported as follows:

Mr. Speaker:

Your Committee on Mines and Minerals, to whom were referred C. B. 12, "An Act to repeal the license required from assayers," beg leave to report the same back to the House and recommend that it do pass.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred House Bill No. 56, entitled a bill for "An Act to amend Section 1002, of the fifth division of the Revised Statutes," would respectfully report that they have considered the same and would recommend that it do not pass.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred C. B. No. 18, have had the same under consideration, and beg leave to report the same back to the House with the recommendation that the same do pass.

Mr. DeWolfe reported as follows:

Mr. Speaker:

Your Committee, to whom were referred Council Joint Memorial 1, have had the same under consideration, and have made certain amendments thereto, in which form they recommend its adoption.

The amendments were as follows:

Strike out, on page two, commencing on line three, at the word "Spokane," down to and including the word "therefrom," in line seven, and in lieu thereof insert the following: "Great Falls of Clarke's Fork, (called also Pen de Oreille) which effectually prevents the ascent of the fish into the streams of."

Also the following:

Strike out all after the word "Montana," in line twelve, down to and including the word "obstruction," in line twenty-four.

The amendments were adopted and ordered engrossed.

Mr. Blake, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 34, entitled, "An Act relative to water rights," and the report of the Joint Committees on Mines and Minerals and Grazing and Stock Growing thereon, having considered the same, have directed me to report the bill back to the House with the accompanying amendments, and recommend that the bill as amended do pass.

The amendments accompanying were as follows:

Section 2, insert, in line two, after "purpose," the following: "for a period of two years." Add to Section 2, after "ceases," line two, the following: "except when such appropriation shall have been made for irrigating or mining purposes on lands for which patents have been obtained from the government of the United States."

Section 7, strike out "ten," line two, and insert "thirty."

Section 8, insert after "completion," line three, the following: "if the ditch or flume, when constructed, is inadequate to convey

the amount of water claimed in the notice, the excess claimed above the capacity of the ditch or flume shall be subject to appropriation by any other person in accordance with the provisions of this act: *Provided, however,* That if an appeal shall be taken to the district court as provided in this act, the time during which such appeal is pending shall be excluded."

Section 9 was struck out.

Section 10 was renumbered 9.

Section 11 was renumbered 10; line four, "and" after "made," was struck out; line four, after "purpose," insert the following: "and the amount of water so appropriated and the point of diversion." Strike out lines five, six, seven and all of eight to "such."

Section 12 was renumbered 11.

Sections 13 and 14 were struck out.

Section 15 was renumbered 12.

Section 16 was renumbered 13.

Section 17 was renumbered 14.

Section 18 was renumbered 15.

Section 19 was renumbered 16; Section 19, line one, strike out "now pending on."

Section 17 to read as follows: "In any action concerning joint water rights or joint rights in water ditches, unless partition of the same is asked by the parties to the action, the court shall hear and determine such controversy as if the same were several as well as joint."

Section 18 to read as follows: "Any person who shall construct a dam in any dry gulch for the purpose of creating a reservoir for irrigating or mining or other purposes contained in this act, shall have the exclusive right thereof."

Section 20 to be renumbered 19; strike out all after "receive," line two, and insert the following: "the same fees as are now, or hereafter may be allowed by law for recording instruments entitled to be recorded."

Section 21 to be renumbered 20.

Section 22 to be renumbered 21.

The report was adopted and the bill was ordered engrossed.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. 60, entitled "A bill for An Act defining and punishing swindling and fraudulent devices," have had the same under consideration and recommend that it do pass.

On motion of Mr. DeWolfe, the rules were suspended, the bill reported was considered engrossed, read third time and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly; Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser,

Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—22.

Nay—Sedman—1.

Absent—Mr. Speaker—1.

Title agreed to.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. No. 15, and find the same correctly printed.

Mr. Parchen reported as follows:

Mr. Speaker:

Your Committee appointed under Council Concurrent Resolution No. 3, to examine and report upon the books and accounts of the Territorial Auditor and Treasurer, for the years 1879 and 1880, respectfully report to the House and Council that your committee, finding the labor of a thorough examination would consume more time than your committee could spare from other legislative duties, employed Mr. Jno. W. Eddy (an experienced accountant), under the authority given them by the resolution. That Mr. Eddy entered upon the discharge of these duties, and has made a complete and minute examination of the books, accounts, vouchers, etc., connected with the said offices, and made a report to your committee, which is hereto annexed and made a part hereof.

From the said statement of Mr. Eddy, and the investigation of your committee, they are satisfied that the books and accounts of the offices of Auditor and Treasurer are in a satisfactory condition, and that the duties devolving upon the aforesaid officers have been efficiently and faithfully discharged.

All of which is respectfully submitted.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills numbered 3 and 9 were presented to His Excellency the Governor for approval at 2:20 p. m., Feb'y. 7, 1881.

Notices were given as follows:

By Davis—"An Act to amend Section 657, Art. 3, fifth division of Revised Statutes."

By Garlock—"A bill for 'An Act to provide for the building of a court house and jail in the county of Custer.'"

Mr. Pardee moved the following:

Resolved, That the Governor be requested to furnish to this House, for its information, copies of all contracts now in force for the keeping of the indigent insane.

The resolution was adopted.

Mr. Garlock introduced H. B. 64, "An Act concerning fences," which was read first and second times, and referred to Committee on Grazing and Stock Growing.

Also, H. B. 65, "An Act to provide for the compensation of Thomas H. Irvine, Jr.," which was read first and second times, and referred to the Committee on Ways and Means.

Also, H. B. 66, "An Act attaching Dawson county to Custer for judicial purposes," which was read first and second times, and referred to Committee on Towns and Counties.

Mr. Bell introduced H. B. 67, "An Act to enable the people of Butte to build a schoolhouse," which was read first and second times, and referred to Committee on Education and Labor.

Mr. Sedman introduced H. B. 68, "An Act concerning the apportionment of school money," which was read first and second times, and referred to Committee on Education and Labor.

Mr. Beach introduced H. B. 69, "An Act to establish the fees of district attorneys," which was read first and second times, and referred to the Judiciary Committee.

H. J. R. 3, "Relative to memorial block for Washington monument," was read first and second times, and, under a suspension of the rules, was considered engrossed, read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—24.

Nays—None.

Title agreed to.

Mr. Cullen introduced H. B. 70, "An Act relating to the official survey of the townsite of Helena," which was read first and second times, and referred to a select committee consisting of the members from Lewis and Clarke county.

Mr. Donnelly introduced H. B. 71, "An Act to provide for municipal corporations in the Territory of Montana," which, under a suspension of the rules, was read first and second times by title, and referred to the Judiciary Committee.

C. J. M. No. 1 was read third time, and passed as amended by the House, by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—21.

Nay—Clem—1.

Absent—Humber and Pardee—2.

Title agreed to.

House went into Committee of the Whole on general orders—Mr. Blake in the chair.

House resumed—Mr. Cullen, Speaker *pro tem.*, in the chair.
On motion of Mr. Corbly, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
February 8th, 1881.

House met pursuant to adjournment.

Roll called—quorum present.

Mr. Speaker being absent,

On motion of Mr. Blake, Mr. Cullen was appointed Speaker *pro tem.*

Journal of yesterday read and approved.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred H. B. 66, have had the same under consideration, and report the same back, recommending that it do pass.

The bill was ordered engrossed.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 35, entitled "A bill for An Act concerning chattel mortgages;" also H. B. No. 55, entitled "A bill for An Act to prevent live stock from running at large in towns and cities;" also H. B. No.

38, entitled "A bill for An Act concerning the exemption of firemen from jury duties;" and H. B. No. 57, entitled "An Act to provide for the refunding of the fifteen per cent. bonds of Missoula county, and for other purposes," beg leave to report that they have examined the same, and report the bills correctly engrossed.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred H. B. No. 67, have had the same under consideration, and beg leave to report the same back to the House with amendments, and with said amendments recommend that the same do pass.

The amendments were as follows:

Insert as Section 11 the following: "SEC. 11.—That if the school trustees, or any of them, shall fail or refuse to pay into the county treasury the money arising from the sale of the bonds provided for, they, or any of them being so delinquent, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding ten years, in the discretion of the court."

And that all subsequent sections be numbered accordingly.

The report was adopted, and the bill was ordered engrossed.

Mr. Stedman reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred House Bill No. 62, have had the same under consideration, and beg leave to report the same back with the accompanying amendments, and, as so amended, recommend that it do pass.

The amendments accompanying were as follows:

Amend Section 1, by striking out "1882 or 1883," in eleventh line; fill blank in line fourteen by inserting "five" before "years;" fill blank in line sixteen by inserting "fifteen" before "years."

Amend Section 2 by striking out "a," in line four, and inserting "the," in lieu thereof; also strike out "not exceeding," in line five, and insert "of" in lieu thereof.

[Amend Section 3 by striking out the word "face," in last line, and insert the word "par" in lieu thereof.]

Amend Section 4 by striking out "thirty days before they are due," in nineteenth line. Also strike out all between the word "belongs," in line twelve, and "should," in line fifteen, and insert the word "provided." Strike out all after "New York," in line

twenty-eight, and add to end of Section 4, "all coupons so paid shall be reported to the said county commissioners at their first meeting thereafter."

The amendments reported were adopted and the bill ordered engrossed.

Notices were given:

By Donnelly—"An Act to provide for the public health."

By DeWolfe—"An Act defining the duties of clerks of courts and sheriffs in certain cases."

By Clem—"An Act to provide for an election in Deer Lodge county for the removal of the county seat to Butte."

By Sedman—"An Act regulating expenses and salaries of county superintendents of schools."

By Cullen—"An Act in relation to territorial officers."

Mr. DeWolfe moved to reconsider the vote by which H. B. 60, was passed, which motion prevailed and, by unanimous consent,

Mr. DeWolfe moved to amend the second subdivision by adding after the word "sale," in line four, "or disposal in any other manner."

The amendment was adopted and the bill ordered engrossed.

C. B. No. 8, "An Act to regulate the sale or disposal of opium and to prohibit the keeping of places of resort for smoking and otherwise using that drug," was read first and second times, and referred to the Judiciary Committee.

[C. B. No. 5, "An Act concerning costs in certain criminal cases," was read first time, and Mr. Harrington moved to reject the bill, which motion was lost, and the bill was read second time by title, and referred to Committee on Ways and Means.]

C. B. 5 [10], "An Act regulating the Montana library," was, under a suspension of the rules, read first and second times by title and placed on general orders.

C. B. 11, "An Act to provide for the election of officers of Beaverhead county," was read first and second time, and,

On motion of Mr. Blake, was placed on general orders for consideration at the time of considering H. B. 46.

C. B. 24, "An Act concerning game" was read first and second times, and referred to the Committee on Military Affairs.

C. B. 26, "An Act to extend the boundaries of Gallatin county," was read first and second times, and,

Mr. Garlock moved to refer to the Committee of the Whole, which motion was lost, and the bill was referred to the Committee on Towns and Counties.

Mr. Powers introduced H. B. 72, "An Act for the refunding of the 10 per cent. bonds of Meagher county," which, under a suspension of the rules, was read first and second times by title, and referred to members representing Meagher county.

Mr. Cullen introduced H. B. 73, "An Act relating to tenure of office," which was read first and second times, and,

On motion of Sedman, was referred to Committee of the Whole and placed on general orders.

Mr. Blake introduced H. B. 74, "An Act concerning the laws," which was read first and second times, and,

Mr. DeWolfe moved to amend by inserting "twenty-five miles" in lieu of "fifteen miles," which amendment was lost, and the bill was referred to the Judiciary Committee.

H. B. 35 was read third time, and passed by the following vote:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman and Wilson—21.

Nays—None.

Absent—Beach, Stedman and Mr. Speaker—3.

Title agreed to.

H. B. 38 was read third time and, by unanimous consent, was amended by inserting the words "fifth division of Revised Statutes," which amendment was engrossed in the presence and by direction of the House, and was then passed by the following vote:

Ayes—Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Eastman, Hanley, Houser, Humber, Kennerly, Pardee, Powers, Rogers, Sedman and Wilson—16.

Nays—Bell, Cullen, Harrington, Parchen and Stedman—5.

Absent—Beach, Garlock and Mr. Speaker—3.

Title was amended to read "An Act exempting certain persons from jury duty."

H. B. 55, was read third time and, by consent, Mr. Garlock moved to amend by inserting in lieu of words "containing more than three hundred inhabitants," the words "which has been or may hereafter be incorporated."

Mr. DeWolfe moved to amend the amendment by inserting the following as Section 1: "The constituted authorities of any town containing over three hundred inhabitants, which now is, or hereafter may be, incorporated under the laws of this Territory, are authorized and empowered to prevent, by ordinance, the owner or owners of any swine, cattle, horses, asses or mules, from permitting the same to run at large within the limits of said town, and to prescribe the punishment therefor in case of the violation of any ordinance enacted for that purpose."

On motion of Mr. Garlock, the bill and amendments were laid on the table.

H. B. 57 was read third time and, pending its final passage, The House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

The following message was received from the Council:

COUNCIL CHAMBER,

February 8, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Council concurs in House amendments to C. J. M. 1, and the same was ordered enrolled.

Notices were given as follows:

By Mitchell—"An Act to prohibit the dumping of sawdust into streams containing fish."

By Cardwell—"An Act to amend Section 781, Chapter XXXVII, of the Revised Statutes."

Also, "An Act to amend Section 773, Chapter XXXVII, of the general laws."

By Ford—"An Act in reference to road brands."

Also, "An Act in reference to the skinning of dead cattle."

Bills were introduced as follows:

By Kerley—C. B. 30, "An Act concerning public printing."

By Hays—C. B. 31, "An Act to provide for additional penitentiary room."

By Hundley—C. B. 32, "An Act concerning probate courts."

That H. B. 1 was read third time and lost.

That H. B. 13 was read third time, and passed with amendments, and with amendments attached, together with H. B. 1, are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The question before the House being the final passage of H. B. 57, the same was lost as follows:

Ayes—Chambers, Davis, Garlock, Hanley, Houser, Pardee, Wilson and Mr. Speaker—8.

Nays—Bell, Blake, Clem, Corbly, DeWolfe, Eastman, Harrington, Parchen, Powers, Rogers, Sedman and Stedman—12.

Absent—Beach, Cullen, Humber and Kennerly—4.

Mr. Blake reported as follows:

Mr. Speaker :

The Committee on Engrossment, to whom were referred H. B. No. 60, entitled "A bill for An Act defining and punishing swindling and fraudulent devices," beg leave to report that they have examined the same and find it correctly engrossed.

H. B. No. 60 was read third time, and passed by the following vote:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—20.

Nays—Harrington and Sedman—2.

Absent—Beach and Kennerly—2.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills numbered 5 and 32, and find the same correctly enrolled. The said bills are herewith presented to the Speaker for his signature.

Mr. Speaker announced that he was about to sign House Bills Nos. 5 and 32, and C. B. 16.

The following message was received from the Governor:

HELENA,

February 8th, 1881.

Sir:—In obedience to a resolution of the House of Representatives, asking for copies of all contracts now in force for the keeping of the indigent insane, I have the honor to transmit a copy of the only contract now in force for the keeping of the indigent insane.

Respectfully,

B. F. POTTS.

Hon. J. J. Donnelly, Speaker House of Representatives.

Mr. Garlock moved that H. B. 47 be recalled from general orders and referred to Committee on Territorial Affairs; which motion was lost.

House went into Committee of the Whole on general orders—Mr. Blake in the chair.

House resumed—Mr. Speaker in the chair.

On motion of Mr. Garlock, House adjourned.

JOHN J. DONNELLY,

Speaker.

Attest: JAS. E. KANOUSE,

Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,

February 9th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,

February 8, 1881.

Mr. Speaker:

The Council has appointed Messrs. Cardwell, Mitchell and Kerley a committee on the part of the Council, and request that the House appoint a committee of five to act in conjunction with its committee, for the purpose of considering and reporting upon the communication of Mr. T. C. Power, concerning the navigation of the Upper Missouri.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The House on motion, appointed as the committee requested by the Council, the Select Committee of the House heretofore appointed on a like subject.

Mr. DeWolfe presented petition from citizens of Deer Lodge county in regard to a Sunday law.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 34, entitled "A bill for An Act relative to water rights;" also, H. B. No. 62, entitled "A bill for An Act to provide for the redemption of the funded debt of Lewis and Clarke county," and H. B. No. 67, entitled "A bill for An Act to enable the people of Butte to build a schoolhouse," beg leave to report that they have examined the same and report them correctly engrossed.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred the communication of the Governor relative to the International Exhibition, have had the same under consideration, and beg leave to introduce the accompanying resolution, recommending it do pass.

The resolution was filed for first reading.

The following majority and minority reports on C. B. 5 were received:

Mr. Speaker:

A majority of your Committee, to whom were referred Council Bill No. 5, have had the same under careful consideration, and would respectfully recommend that it do not pass.

HOUSER,
HUMBER,
DAVIS.

The minority report was as follows:

Mr. Speaker:

A minority of your Committee on Ways and Means, to whom were referred Council Bill No. 5, entitled "An Act concerning costs in certain criminal cases," would respectfully report that they have had the same under consideration and would recommend that it do pass.

BEACH,
PARCHEN.

Mr. Blake moved to adopt the majority report.

Mr. Garlock moved to amend by adopting the minority report.

Mr. Cullen moved to commit to the Committee of the Whole House.

Mr. Blake was called to the chair.

The motion to commit was lost, and the question being on the adoption of the minority report, the same was lost, and the majority report was then adopted.

The following reports were received:

Mr. Speaker:

A majority of your Committee on Ways and Means, to whom were referred H. B. No. 42, entitled "A bill for An Act to provide for the public printing in the several counties," with amend-

ments, would respectfully report that they have considered the same and would recommend that it do not pass.

BEACH,
HOUSER,
DAVIS,
HUMBER.

Mr. Speaker:

A minority of your Committee on Ways and Means, to whom were referred H. B. No. 42, "A bill for An Act in relation to county printing," is of the opinion that inasmuch as said bill limits the expenses of county printing to the same now provided by law (except in a few items on which a reduction is made) and paid therefore, and provides by the amendment thereto that it may be reduced by inviting and encouraging competition, and, inasmuch as it abrogates a law establishing a monopoly, which is justly odious in all democratic governments; and inasmuch as it permits the proper county officers of each county to control the printing of such county, without dictation by officers or persons not identified with such county nor elected thereby, your minority committee therefor, recommends that the bill, with the amendment do pass.

PARCHEN.

Mr. Sedman moved to refer the bill and reports to Committee of the Whole, which motion, Mr. Donnelly moved to lay on the table, and the ayes and nays being demanded, the motion prevailed as follows:

Ayes—Beach, Chambers, Corbly, Cullen, Davis, Eastman, Garlock, Harrington, Houser, Humber, Rogers, Wilson and Mr. Speaker—13.

Nays—Bell, Blake, Clem, DeWolfe, Kennerly, Parchen, Pardee, Powers, Sedman and Stedman—10.

Absent—Hanley—1.

And the question recurring on the motion to adopt majority report, the ayes and nays were demanded, when the motion prevailed by the following vote:

Ayes—Beach, Chambers, Corbly, Cullen, Davis, Eastman, Garlock, Harrington, Houser, Humber, Rogers, Wilson and Mr. Speaker—13.

Nays—Bell, Blake, Clem, DeWolfe, Kennerly, Parchen, Pardee, Powers, Sedman and Stedman—10.

Absent—Hanley—1.

The following communication was received from the Governor:

TERRITORY OF MONTANA,
Executive Department,
HELENA,

February 9, 1881.

To the Legislative Assembly:

I have the honor to transmit a petition from the residents of Dawson county, asking that said county be organized.

The subject is respectfully submitted to the Legislative Assembly for its consideration and such action as may seem proper. In my judgment, some legislation is necessary in order to secure a legal organization for said county.

Having only one copy of said petition, the same is sent to the House of Representatives.

Respectfully,

B. F. POTTS.

On motion of Mr. DeWolfe the, petition and communication were referred to Committee on Towns and Counties.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined and find H. B. 43 correctly printed.

Mr. Clem reported as follows:

Mr. President:

Your Committee, to whom were referred C. B. 26, have duly considered the same and recommend that it do pass.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bill No. 7, and find the same correctly enrolled. The said bill, together with Council Joint Resolution No. 2, is herewith presented to the presiding officer of the House for his signature.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B.

No. 69, "A bill for an act to establish the fees of district attorneys," have had the same under consideration, and respectfully report the same back to the House with certain amendments which, accompany the bill, and, as amended, recommend the same do pass.

On motion of Mr. Donnelly, the bill and report were referred to Committee of the Whole, and placed on general orders.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. 74, "A bill for An Act concerning the laws," have had the same under consideration, and have instructed me to report the same back to the House, and recommend that the said bill be indefinitely postponed.

The report was adopted, and the bill was so postponed.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred C. B. 23, "An Act for the relief of Cornelius Hedges," have had the same under consideration, and respectfully report the same back to the House, recommending the same do pass.

Also as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred C. B. No. 13, "An Act concerning mineral deputy surveyors," have had the same under consideration, and recommend that the same pass.

Also as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred C. B. No. 22, beg leave to report that they have had the same under consideration, and respectfully report the same back to the House, and recommend that the same do not pass.

On motion of Sedman, C. B. 22 was referred to Committee of the Whole.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom were referred H. B. No. 58, "A bill to more effectually prevent the sale of liquor to Indians," beg leave to report the same back to the House, and respectfully recommend its passage.

The report was adopted, and the bill ordered engrossed.
Mr. Humber reported as follows:

Mr. Speaker:

Your Committee, to whom were referred House Bill 64, have had the same under consideration, and recommend the following amendments: That in line two of third subdivision, first section, the word "two" be stricken out, and in lieu thereof "three" be inserted; commencing in same line, strike out all between "barbed," and "the," in next line; strike out, in last line of third subdivision, first section, the word "one," and insert in lieu thereof "two;" strike out "two," in line five, third section, and insert in lieu thereof "three;" strike out "division," in subsequent lines and sections, whenever it appears before fences, and insert in lieu thereof "partition;" strike out, in eleventh line, Section 4, "two," and insert in lieu thereof "six;" strike out, in line eleven, fifth section, the word "two," and insert "six" in lieu thereof; and that it do pass so amended.

The bill and report were referred to the Committee of the Whole.

Mr. Blake, chairman, reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 45, entitled "A bill for An Act to provide for the better observance of Sunday as a day of rest," and the reports of the Committee on Education and Labor thereon, having considered the same, have directed me to report the bill back to the House with the accompanying amendments, and recommend that the bill, as so amended, be indefinitely postponed.

Mr. Humber moved to adopt the report.

Mr. Donnelly moved to amend by striking out lines nine, ten, eleven and twelve, of Section 4, which amendment was adopted, and,

On motion of Mr. Clem, the bill was made special order for 7 p.m.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 11, entitled "A bill for An Act to regulate the legal rate of interest," and the report of the Committee on Ways and Means thereon, having considered the same, have directed me to report the bill back to the House, and recommend it do pass.

Also as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 47, entitled "A bill for An Act to repeal Article 3, and Section 722 of Chapter XXX, Revised Statutes," and the report of the Committee on Territorial Affairs thereon, having considered the same, have directed me to report the bill back to the House, and recommend it do not pass.

Also as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred C. B. No. 11, entitled "An Act to provide for the election of officers of Beaverhead county," having considered the same, have directed me to report the bill back to the House, and recommend it do pass.

Also as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 46, entitled "A bill for An Act to repeal Article 14 of Chapter XVI of the fifth division of the Revised Statutes, so far as the same applies to the county of Custer," having considered the same, have directed me to report the bill back to the House, and recommend it do pass.

Also as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 73, entitled "A bill for An Act relating to the tenure of office," having considered the same, have directed me to report the bill back to the House, and recommend it do pass.

Mr. Donnelly moved to amend H. B. 73, as follows: "SEC. 2.—The provisions of this act shall not apply to the superintendents of schools, or the subordinate officers of the Council and House of Representatives of this Territory."

The amendment was adopted, and the bill ordered engrossed.

Mr. Stedman reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred H. B. No. 70, a bill for "An Act relative to the official survey of the townsite of Helena," have had the same under consideration, and report the same with amendments, and, as amended, recommend its passage.

Amendments to H. B. No. 70:

Fill the blanks in Section 1 with "1st" and "May."

Add to Section 4, the words "and if the decision of the board is affirmed on such appeal, all the costs thereof shall be taxed to the appellant."

In line seven of Section 7, strike out "five," and insert "three."

Report was adopted and the bill ordered engrossed.

Notices were given:

By Corbly—"A bill in relation to fees of counsel assigned by courts in criminal cases."

By Beach—"An Act concerning additions to cities and towns of this Territory."

By Powers—"An Act to enable the people of White Sulphur Springs to erect a schoolhouse."

By Stedman—"An Act to provide for the incorporation of the town of Helena."

Mr. Sedman moved a suspension of the rules, that H. B. 48 be taken from the table and placed on general orders; the motion prevailed.

Mr. Rogers moved H. C. R. 11, "Limiting time for introduction of bills."

Mr. Donnelly moved to lay the resolution on the table, and the ayes and nays being demanded, the motion prevailed as follows:

Ayes—Beach, Bell, Chambers, Corbly, Cullen, DeWolfe, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Pardee, Powers, Stedman and Mr. Speaker—16.

Nays—Blake, Clem, Davis, Eastman, Humber, Rogers, Sedman and Wilson—8.

On motion of Mr. Blake, leave of absence was granted to the Chaplain of the House, until February 11th.

House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Speaker announced that he was now about to sign C. J. R. 2.

House proceeded to consideration of H. B. 29, the special order for 2 p.m.

Mr. Beach moved a call of the House.

Roll called.

Absent—Clem, Humber, Powers and Wilson.

Sergeant-at-arms was directed to bring in absentees.

On motion of Mr. Beach, further proceedings under the call of the House were dispensed with.

Mr. Houser presented a petition from Beaverhead county, in relation to H. B. 29.

Mr. Davis presented a petition on a like subject.

Mr. Rogers moved to amend the bill by striking out word "May," and insert "August," in lieu thereof.

Mr. Blake moved to amend by inserting, "*Provided* that no person shall be allowed to vote at said election who believes in and practises the doctrine of polygamous marriages."

The amendment was adopted.

Mr. Sedman moved a suspension of the rules, that the bill be considered engrossed, read by title, and placed on final passage, which motion prevailed; the bill was so read, and lost as follows:

Ayes—Bell, Chambers, Davis, Eastman, Hanley and Pardee—6.

Nays—Beach, Blake, Corbly, Cullen, DeWolfe, Garlock, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—17.

Absent—Clem—1.

The following message was received from the Council:

COUNCIL CHAMBER,

February 9, 1881.

Mr. Speaker:

I have the honor to report to your honorable body that Mitchell introduced C. B. 33, "An Act for the better protection of fish in the streams of Montana;"

Also, C. B. 34, "An Act to provide for the bonding of certain outstanding warrants of Missoula county."

Cardwell introduced C. B. 35, "An Act to provide the manner of selecting jurors."

H. B. 12 has passed the Council, and is herewith transmitted.

Respectfully,

HARRY R. COMLY,

Chief Clerk.

H. B. 12 was ordered enrolled.

Mr. Speaker announced that he was about to sign H. B. 7.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. 58, entitled "A bill for An Act to more effectually prevent the sale of liquor to Indians;" also H. B. 66, entitled "A bill for An Act attaching Dawson county to Custer county for judicial and other purposes;" and H. B. No. 46, entitled "A bill for An Act to repeal Article 14 of Chapter XVI of the fifth division of the Revised Statutes, so far as the same applies to the county of Custer," beg leave to report that they have examined the same, and report the bills correctly engrossed.

On motion of Mr. Cullen, the House concurred in the Council amendments to H. B. 13, and the bill was ordered enrolled.

Mr. Cullen introduced H. B. 75, "An Act relative to territorial officers," which was read first and second times, and referred to the Judiciary Committee.

H. J. R. 4, "Making appropriation for international exhibition in 1883," was read first and second times, and referred to Committee on Federal Relations.

Mr. Garlock introduced H. B. 76, "An Act to provide for the funding of the outstanding indebtedness of the county of Custer," which was read first and second times, and referred to members representing Custer county.

Mr. Clem introduced H. B. 77, "An Act to provide for an election for the removal of the county seat of Deer Lodge county," which was read first and second times, and referred to members from Deer Lodge county.

Mr. Sedman introduced H. B. 78, "An Act concerning compensation of county superintendent of schools," which was read first and second times, and referred to Committee on Education and Labor.

Mr. Davis introduced H. B. 79, "An Act to amend Section 657, Article 3, Chapter XXVI, fifth division, Revised Statutes," which was read first and second times, and referred to Committee on Grazing and Stock Growing.

Mr. DeWolfe introduced H. B. 80, "An Act defining the duties of clerks and sheriffs in certain cases," which was read first and second times, and ordered printed.

Mr. Kennerly introduced H. B. 81, "An Act to amend Section 1003, Chapter LIII, fifth division, Revised Statutes," which was read first and second times, and referred to Committee on Ways and Means.

Mr. Donnelly introduced H. B. 82, "An Act to provide for the public health," which was read first and second times, and referred to Committee on Territorial Affairs.

Also, H. B. 83, "An Act to provide compensation for, and to define the duties of certain county officers," which was read first and second times, and referred to a select committee consisting of one member from each county, Speaker appointing as such committee, Eastman, Beach, Humber, Rogers, Kennerly, DeWolfe, Chambers, Wilson, Corbly, Powers and Garlock.

The following message was received from the Council:

COUNCIL CHAMBER,
February 9, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. B. 36, "An Act to define and punish certain nuisances," was introduced by Hays, and, under a suspension of the rules, has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole on general orders—
Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.

On motion of Mr. Humber, Mr. Beach was granted leave of absence for the day.

House took recess until 7 p.m.

7 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—no quorum present.

A call of the House was moved.

Roll called.

Absent—Corbly, Cullen, DeWolfe, Garlock, Harrington, Houser, Parchen, Pardee, Rogers and Stedman.

Sergeant-at-arms was directed to bring in absentees.

Corbly, Garlock, Parchen and Pardee appeared and answered to their names.

On motion of Kennerly, further proceedings under the call were dispensed with.

Mr. Blake in the chair.

H. B. 45, special order for 7 p.m., was taken up.

Mr. Donnelly moved to strike out, in Section 3, all after word "Sunday."

Cullen moved to amend by striking out Section 3. The motion was lost.

Mr. Parchen moved to strike out, in Section 3, lines five, six, seven and eight. The motion was lost.

Mr. Donnelly moved a substitute for Section 3, which was lost.

Reports were received as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that House Bills numbered 5 and 32, and Council Bill 16 were presented to His Excellency the Governor, for approval, at 10:30 a.m., on the 9th February, 1881.

GARLOCK,
Chairman House Committee.

Mr. Speaker :

The Committee on Engrossment, to whom were referred H. B. No. 11, entitled "An Act to regulate the legal rate of interest;" also H. B. No. 69, entitled "A bill for An Act to establish the fees of district attorneys;" and H. B. No. 73, entitled "A bill for An Act relating to the tenure of office," beg leave to report that they have examined the same, and report the bills correctly engrossed.

BLAKE,
Chairman.

Mr. Donnelly moved to strike out from H. B. 45, "Section 8," which motion was lost.

On motion of Parchen, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,

February 10th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. No. 71, entitled "An Act to provide for municipal corporations in the Territory of Montana," have had the same under consideration and respectfully report the same back to the House, with certain amendments which accompany the bill, and as amended recommend its passage.

The report was adopted.

Notices were given as follows:

By Clem—"An Act to amend Section 1 of 'An Act to provide for licensing commercial travelers.'"

By DeWolfe—"An Act for the election of public administrators."

Beach, from Ways and Means Committee, moved the following:

Resolved, That the Territorial Auditor be requested to furnish this House with a concise and full statement as to the claim of W. G. Barkley, a former Territorial Treasurer of Montana Territory, now pending in this House, as shown upon the books of the Auditor and Treasurer of this Territory.

The resolution was adopted.

House went into Committee of the Whole on general orders—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.

On motion of Clem, House took recess until 2 p. m.

2 o'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 45, entitled "A bill for An Act to provide for the better observance of Sunday as a day of rest," beg leave to report that they have examined the same and report the bill correctly engrossed.

The following message was received from the Council:

COUNCIL CHAMBER,

February 10, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Hays gave notice of "An Act in relation to jurors."

Cardwell introduced C. B. 37, "An Act to amend Section 781 of Chapter XXXVII of the Revised Statutes of Montana."

Hays introduced C. B. 38, "An Act to apportion the members of the Legislative Assembly."

That H. B. 17, title amended, C. B. 25, C. B. 27, C. B. 28 and C. J. R. 1 have passed the Council, and are transmitted.

That H. B. 30 was lost and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole on general orders—Mr. De Wolfe in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Judiciary Committee, to whom were referred H. B. No. 26, entitled "A bill for An Act concerning the territorial library,"

have had the same under consideration and recommend that it lie on the table, insomuch as the Joint Judiciary Committee have reported favorably on C. B. No. 10, which is a bill concerning the same subject matter.

The report was adopted.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred House Bill No. 76, beg leave to report that they have examined the same and recommend that it do pass.

On motion of Mr. Garlock, the rules were suspended, the bill was considered engrossed, and filed for third reading.

Mr. Powers reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred H. B. No. 72, "An Act for the refunding of the ten per cent. bonds of Meagher county," have had the same under consideration and recommend that it do pass.

Mr. Harrington moved to suspend the rules, that the bill be considered engrossed, read third time by title, and placed on its final passage, which motion prevailed. The bill was so read and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman and Mr. Speaker—21.

* *Nays*—None.

Absent—Clem, Houser and Wilson—3.

Title agreed to.

Mr. Powers reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred House Bill No. 63, "A bill for An Act to repeal Article 13 of the fifth division of the Revised Statutes," have had the same under consideration and recommend that it do pass with the following amendment: That Section 1 be amended by adding, after "repealed," at the close of the section, "so far as they relate to the counties of Meagher, Chouteau, Jefferson and Gallatin;" and that Section 3 be amended

by inserting the word "and" between the words "Jefferson" and "Gallatin," and striking out the words "and Missoula."

The amendments were adopted and the bill ordered engrossed. Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that House Bill No. 7 and Council Joint Resolution No. 2 were presented to His Excellency the Governor for approval at 2:15 p. m., Feb'y. 10, 1881.

C. J. R. 1, "For the relief of Wolfolk, McQuaid & La-Croix," was read first and second times, and referred to Committee on Ways and Means.

C. B. 27, "An Act to enable the citizens of Jefferson county to vote on the proposition of changing the county seat and for other purposes," was read first and second times, and referred to members representing Jefferson county.

C. B. 25, "An Act concerning the duties of fire warden," was read first and second times, and referred to Committee on Towns and Counties.

C. B. 28, "An Act to amend Section 542, Chapter XXI, of the general election law," was read first and second times, and referred to Committee on Elections.

C. B. 36, "An Act to define and punish certain nuisances," was read first and second times, and referred to Committee on Territorial Affairs.

On motion, House concurred in Council amendment to title of H. B. 17, and the bill was ordered enrolled.

Kennerly introduced H. B. 84, "An Act to amend Section 306 of the criminal practice act of Montana Territory," which was read first and second times, and referred to the Judiciary Committee.

Corbly introduced H. B. 85, "An Act to provide for the compensation of counsel in certain criminal cases," which was read first and second times, and referred to Committee on Ways and Means.

Pardee introduced H. B. 86, "An Act concerning corporations," which was read first and second times, and referred to Judiciary Committee.

H. B. 58 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Stedman and Mr. Speaker—21.

Nays—None.

Absent—Pardee, Sedman and Wilson—3.

Title agreed to.

H. B. 67 was read third time, and

Mr. DeWolfe moved to suspend the rules and re-commit the bill; which motion was lost, and the bill was passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, Eastman, Garlock, Hanley, Houser, Humber, Parchen, Pardee, Powers, Rogers, Sedman and Wilson—18.

Nays—Beach, DeWolfe, Harrington and Mr. Speaker—4.

Absent—Kennerly and Stedman—2.

Title agreed to.

H. B. 46 was read third time, and passed by the following vote:

Ayes—Bell, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Powers, Rogers and Mr. Speaker—15.

Nays—Beach, Blake, Eastman, Parchen, Sedman, Stedman and Wilson—7.

Absent—Kennerly and Pardee—2.

Title was amended to read "An Act concerning Custer county."

H. B. 76 was read third time, and, by unanimous consent,

Garlock moved to amend by inserting "93 cents," in lieu of "90 cents," which motion

Mr. Beach moved to amend by substituting "98 cents," which amendment was lost, and the question being on the motion to insert "93 cents," the motion prevailed.

The amendment was engrossed in the presence of and by direction of the House, and the bill was passed as follows:

Ayes—Beach, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Sedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Bell, Kennerly and Stedman—3.

Title agreed to.

Mr. Corbly moved the following:

Resolved, That the Committee of Ways and Means, to whom were referred Council Joint Resolution No. 1, "For the relief of Woolfolk, McQuaid & LaCroix," be directed, in examining said claim, to take the testimony of all witnesses under oath, and report the same in writing to this House, and for that purpose they be authorized to administer oaths, examine all books and papers, and compel the attendance of witnesses before them.

The resolution was adopted.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 71, entitled "An Act to provide for municipal corporations in the Territory of Montana," beg leave to report that they have examined the same and find the bill correctly engrossed:

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
February 11th, 1881.

House met pursuant to adjournment.
Mr. Speaker in the chair.
Roll called—quorum present.
Prayer by the Chaplain.
Journal of yesterday read and approved.
The following message was received from the Council:

COUNCIL CHAMBER,
February 10, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following notices were given:

By Hays—"An Act concerning deputy clerks of the district courts."

By Browne—"An Act for the relief of the tax payers of Beaverhead county."

Ford introduced C. B. 39, "An Act concerning the skinning of cattle and sheep found dead."

Also, C. B. 40, "An Act concerning marks and brands."

Respectfully,

HARRY R. COMLY,
Chief Clerk.

H. B. 69 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—22.

Nays—Clem and Sedman—2.

Title was amended to read "An Act to establish the salaries of district attorneys."

Under a suspension of the rules, Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred the petition from Glendive, Dawson county, M. T., asking a county government established therefor, find in the Auditor's report that at the last election Glendive was a precinct in Custer county. The census supervisor also returns that Dawson county had but one hundred and eighty persons. With these facts, your committee think it unadvisable to organize any county government at this session.

H. B. 66 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—24.

Nay—None.

Title agreed to.

H. B. 73 was read third time, and passed by the following vote:

Ayes—Beach, Blake, Chambers, Clem, Cullen, Davis, Eastman, Garlock, Hanley, Houser, Humber, Kennerly, Parchen, Stedman, Wilson and Mr. Speaker—16.

Nays—Bell, Corbly, DeWolfe, Harrington, Pardee, Powers, Rogers and Sedman—8.

Title agreed to.

H. B. 45 was read third time, and Mr. Corbly moved the previous question.

Mr. Clem moved to adjourn, which motion was lost, and the previous question was not admitted, and the bill passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, Eastman, Hanley, Parchen, Pardee, Powers, Sedman, Wilson and Mr. Speaker—15.

Nays—Cullen, DeWolfe, Garlock, Harrington, Houser, Humber, Kennerly, Rogers and Stedman—9.

Title agreed to.

H. B. 11 was read third time, and lost by the following vote.

Ayes—Bell, Blake, Clem, Cullen, Eastman, Harrington, Humber, Kennerly, Pardee, Sedman and Stedman—11.

Nays—Beach, Chambers, Corbly, Davis, DeWolfe, Garlock, Hanley, Houser, Parchen, Powers, Rogers, Wilson and Mr. Speaker—13.

H. B. 62, under a suspension of the rules, was read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Pardee—1.

Title agreed to.

Mr. Blake moved to suspend the rules, and that H. B. 34 be read third time by title, which motion was lost.

The bill was read at length, and, by unanimous consent,

Mr. Pardee offered the following amendment: Insert, in line three, Section 11, "except such notice is already of record as required by this act."

The amendment was adopted, and the bill referred to the Engrossment Committee.

H. B. 71, being on third reading, was, on motion of Mr. Blake, made special order for 7 p.m.

A communication in regard to the account of W. G. Barkley, was received from the Auditor, and referred to Committee on Ways and Means.

C. B. 11 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Sedman, Stedman, Wilson and Mr. Speaker—24.

Nays—None.

Title agreed to.

C. B. 23 was read third time, and passed by the following vote:

Ayes—Bell, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Sedman, Stedman, Wilson and Mr. Speaker—20.

Nay—Clem—1.

Absent—Rogers—1.

Excused—Blake—1.

Title agreed to.

Mr. DeWolfe in the chair.

C. B. 5 was read third time, and lost by the following vote:

Ayes—Cullen, Garlock, Parchen, Pardee and Sedman—5.

Nays—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Eastman, Hanley, Harrington, Houser, Humber, Kennerly, Powers; Rogers, Sedman, Wilson and Speaker—19.

On motion of Mr. Sedman, House took recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Humber moved as follows:

Resolved, That this House take a recess until 4 o'clock p.m., to attend the exercises of the Helena Graded School, accepting the invitation of the trustees and principal thereof.

The resolution was adopted.

4 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Governor:

TERRITORY OF MONTANA,

Executive Department,

HELENA,

February 11, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that, on February 9, 1881, I approved H. B. No. 5, entitled "An Act defining the qualification of jurors."

Also, on same date, H. B. No. 32, entitled "An Act concerning the official terms of justices and constables."

Also, on February 10, 1881, H. B. No. 7, entitled "An Act to regulate the fees of sheriffs for board of prisoners."

Respectfully,

B. F. POTTS.

C. B. 26 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser,

Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Sedman—1.

Title agreed to.

C. B. 13 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—23.

Nays—None.

Absent—Sedman—1.

Title agreed to.

C. B. 12 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Powers, Rogers, Stedman, Wilson and Mr. Speaker—19.

Nays—Cullen, DeWolfe and Pardee—3.

Absent—Humber and Sedman—2.

Title agreed to.

C. B. 18 was read third time, and passed by the following vote:

Ayes—Bell, Chambers, Clem, Corbly, Cullen, Eastman, Hanley, Harrington, Houser, Humber, Kennerly, Rogers and Mr. Speaker—13.

Nays—Beach, Blake, Davis, DeWolfe, Garlock, Parchen, Powers, Stedman and Wilson—9.

Absent—Pardee and Sedman—2.

Title agreed to.

Mr. Clem gave notice of a motion to reconsider the vote by which H. B. 45 was passed.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills numbered 12, 13 and 17, and Council Joint Memorial No. 1, and find the same correctly enrolled, the same are respectfully submitted to the presiding officer of this House for his signature.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 63, entitled "A bill for An Act concerning the counties of Meagher, Chouteau, Jefferson and Gallatin;" also, H. B. No.

34, entitled "A bill for An Act relative to water rights;" and H. B. No. 70, entitled, "A bill for An Act relating to the official survey of the townsite of Helena," beg leave to report that they have examined the same and report the bills correctly engrossed.

On motion of Mr. DeWolfe, H. B. 47 was indefinitely postponed.

Mr. Beach moved to indefinitely postpone H. B. 56, and the ayes and nays being demanded, the motion prevailed as follows:

Ayes—Beach, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Stedman, Wilson and Mr. Speaker—18.

Nays—Bell, Blake, Clem and Harrington—4.

Absent—Pardee and Sedman—2.

Mr. Garlock in the chair.

Mr. Donnelly moved that H. B. 43 be referred to Committee of the Whole, which motion prevailed, and the bill was filed on general orders.

House took recess until 7 p. m.

7 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—no quorum present.

A call of the House was moved.

Roll called.

Absent—Beach, Bell, Blake, Cullen, Davis, DeWolfe, Garlock, Houser, Humber, Kennerly, Parchen, Sedman and Stedman.

Messrs. Bell, Cullen and DeWolfe appeared and answered to their names.

On motion of Cullen, further proceedings under the call were dispensed with.

House proceeded to consider H. B. 71, the special order for 7 p. m.

The following message was received from the Council:

COUNCIL CHAMBER,

February 11, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council has reconsidered the vote by which H. B. 30 was lost and the Council requests the return of the bill.

Hays introduced C. B. 41, "An Act concerning deputy clerks of the district court."

Also C. B. 42, "An Act in relation to jurors."

The following have passed the Council and are transmitted:

H. B. 24, with amendments.

H. B. 31, with amendments.

H. B. 53.

H. B. 6, with amendments, title amended.

C. B. 20.

That H. B. 50 was lost on third reading, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

H. B. No. 71 was read third time, and passed by the following vote:

Ayes—Beach, Chambers, Corbly, Davis, Eastman, Garlock, Hanley, Harrington, Humber, Kennerly, Powers, Wilson and Mr. Speaker—13.

Nays—Bell, Clem, Houser and Rogers—4.

Absent—Blake, Cullen, DeWolfe, Parchen, Pardee, Sedman and Stedman—7.

Title agreed to.

Mr. Garlock moved to adjourn—lost.

Mr. Kennerly reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred H. B. No. 18, a bill for "An Act to enable the county commissioners of Chouteau county to erect a jail," beg leave to report that they have had the same under consideration, and respectfully recommend that the same do pass with the amendments annexed to the bill.

The report was adopted and the bill ordered engrossed.

Mr. Kennerly reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred H. B. No. 14; beg leave to report that they have had the same under consideration, and recommend the adoption of the amendments thereto annexed, and as so amended that the bill do pass.

The report was adopted and the bill ordered engrossed.

Mr. Davis reported as follows:

Mr. Speaker:

Your Committee on Elections, to whom were referred that portion of the Governor's message relating to the general election

law, have examined the same and have no recommendations to make thereon.

Your committee have also had under their consideration C. B. 19, "An Act concerning the qualification of electors," and recommend the passage of the same.

They have also considered C. B. 28, "An Act to amend Section 542, Chapter XXI, of the general election law," and respectfully report that a majority of the committee are in favor of the passage of the bill, while a minority is opposed thereto. All of which is respectfully submitted.

C. B. 28 and the report thereon were referred to Committee of the Whole.

Mr. Chambers moved to adjourn, which motion was lost.
Mr. Humber reported as follows:

Mr. Speaker:

Your Committee, to whom were referred House Bill No. 79, "relative to the killing of bear, mountain lion, panther, wolf, coyote, lynx and wild cat," would recommend that the same do pass.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. No. 81, a bill for "An Act to amend Section 1003, fifth division of the Revised Statutes," would respectfully report that they have considered the same, and would recommend that the accompanying amendment be adopted, and as so amended that it do pass.

The report was adopted and the bill ordered engrossed.
On motion, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
February 12th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Cullen presented petition in regard to H. B. No. 6.

Mr. DeWolfe presented petition from citizens of Butte upon same subject.

Mr. Pardee presented two petitions from citizens of Deer Lodge county in regard to the formation of a new county.

Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee on Territorial Affairs, to whom were referred House Bill 82, have had the same under consideration, and report the same back to the House with the recommendation, that it do not pass.

Also as follows:

Mr. Speaker:

The Committee on Territorial Affairs, to whom were referred Council Bill 36, have had the same under consideration, and have agreed to report it back to the House, recommending that it pass.

Also as follows:

Mr. Speaker:

The Committee of the whole House, to whom were referred House Bill 64, have had the same under consideration, and have agreed to report the same back to the House with the recommendation that the amendments proposed by the Committee on Grazing and Stock Growing be adopted, and that the bill, when so amended, pass.

Also as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration House Bill 15, and recommend certain amendments thereto, and, when so amended, recommend its passage.

The report on H. B. 64 was adopted, and the bill ordered engrossed.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred H. B. No. 68, have had the same under consideration, and report it back to the House with the recommendation that the same do pass.

The bill was referred to the Engrossment Committee.
Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. B. No. 65, entitled "A bill for An Act for the relief of Thomas H. Irvine, Jr.," would respectfully report they have had the same under consideration, and would recommend that it do not pass.

On motion of [Mr. Garlock], the bill and report were referred to Committee of the Whole.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. 54, and find the same correctly printed.

The bill was referred to the Committee on Territorial Affairs.
Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee on Judiciary, to whom were referred C. B. No. 17, have had the same under consideration, and have instructed me to report the same back to the House, and respectfully recommend its passage.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred C. B. 25, have examined the same and report it back with the recommendation that it do pass.

The following majority and minority reports were received:

Mr. Speaker:

A majority of your Committee of the Judiciary, to whom were referred H. B. No. 61, respectfully report the same back to the House, with an amendment which accompanies the bill, and as amended recommend its passage.

CULLEN,
CORBLY,
GARLOCK,
DEWOLFE.

The amendment accompanying was as follows:

Strike out line fourteen and all following of Section 1, and insert in lieu thereof the following: "in any sum not exceeding six hundred dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment, in the discretion of the court."

The minority report was as follows:

Mr. Speaker:

A minority of your Committee on the Judiciary, to whom were referred H. B. No. 61, entitled "A bill for An Act concerning Sections 198, 199, 200, 201 and 202 of the Revised Statutes," respectfully recommends that the accompanying amendment be adopted and that the bill as so amended do pass.

BLAKE.

Strike out all after Section 1 and insert the following:

"SEC. 1.—That Sections 198, 199, 200, 201 and 202 of the fourth division of the Revised Statutes be and the same are hereby repealed."

Mr. Cullen moved to adopt the majority report, which motion

Mr. Clem moved to amend by substituting the minority report, and the ayes and nays being demanded the motion, was lost as follows:

Ayes—Bell, Blake, Clem, Houser, Kennerly and Powers—6.

Nays—Beach, Chambers, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Humber, Parchen, Pardee, Rogers, Stedman, Wilson and Mr. Speaker—17.

Absent—Sedman—1.

The question being on the adoption of the majority report, the

ayes and nays were called for, when the motion prevailed as follows.

Ayes—Beach, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker.—20.

Nays—Bell, Blake and Kennerly—3.

Absent—Sedman—1.

Mr. Blake moved to amend the bill by striking out "600" where it occurs, and inserting "500" in lieu thereof.

The amendment was adopted.

Mr. Blake moved to amend by striking out "12 months" where it occurs, and inserting "3 months" in lieu thereof.

Mr. DeWolfe moved to amend the amendment by inserting "6" in lieu of "3." The ayes and nays were demanded, when the amendment to the amendment was lost by the following vote;

Ayes—Chambers, Clem, DeWolfe, Houser, Humber, Stedman and Mr. Speaker—7.

Nays—Beach, Bell, Blake, Cullen, Davis, Eastman, Garlock, Hanley, Harrington, Kennerly, Parchen, Pardee, Powers, Rogers, and Wilson—15.

Absent—Corbly and Sedman—2.

The ayes and nays were then called for on the amendment, when the same was lost by the following vote:

Ayes—Bell, Blake, Clem, Davis, Harrington and Powers—6.

Nays—Beach, Chambers, Cullen, DeWolfe, Eastman, Garlock, Hanley, Houser, Humber, Parchen, Pardee, Rogers, Stedman, Wilson and Mr. Speaker—15.

Absent—Corbly, Kennerly and Sedman—3.

The bill was ordered engrossed.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. 85, a bill for "An Act to provide for the compensation to counsel in certain cases," have had the same under consideration, and have instructed me to report the same back, recommending it do pass.

Also, H. B. No. 86, a bill for "An Act concerning corporations," we respectfully report back to the House, recommending its passage.

Also, H. B. No. 75, entitled "An Act relative to territorial officers," herewith respectfully reported back to the House. Your committee respectfully recommend that the blank, in Section 9 of said act, be filled with the words "five hundred," and that the bill do pass.

The report upon H. B. 75 was adopted.

The amendment was engrossed in the bill, in the presence of

the House, and, under a suspension of the rules, the bill was considered engrossed, and filed for third reading.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred C. B. 22, "An Act concerning instructions to the jury," have had the same under consideration, and have instructed me to report the same back with certain amendments, which accompany the bill, and that the same be adopted, and as so amended, that the bill do pass.

Your committee have also had under consideration H. B. 48, "An Act concerning roads and highways," and have directed me to report certain amendments which accompany the bill, and as so amended, recommend that the bill do pass.

Your committee has also considered C. B. No. 10, "An Act regulating the Montana Library," and have directed me to report the same back with the recommendation that the Speaker appoint a select committee to report a substitute for the bill.

That portion of the report with reference to C. B. 22 and H. B. 48, was adopted, and the bills were referred to the Engrossment Committee.

Mr. Cullen moved to reject that portion of the report with reference to C. B. 10, which motion prevailed.

The bill was referred to Committee of the Whole, and placed on general orders.

On motion of Mr. Garlock, House took a recess until 2 o'clock p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Blake, leave of absence for the day was granted to Mr. Sedman.

Mr. Speaker announced that he was now about to sign H. B's 13, 17 and 12, also C. J. M. No. 1.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred C. B. No. 22, entitled "An Act concerning instructions to the jury," and the House amendments thereto; also, H. B. No 68, entitled "A bill for An Act concerning the apportionment of school moneys;" also H. B. No. 79, entitled "A bill for An Act con-

cerning bounty for killing certain animals;" also H. B. No. 86, entitled "A bill for An Act concerning corporations;" also H. B. No. 81, entitled "A bill for An Act to amend Section 1003 of the fifth division of the Revised Statutes;" and H. B. No. 85, entitled "A bill for An Act to provide for the compensation of counsel in certain criminal cases," beg leave to report that they have examined the same and report the bills correctly engrossed.

Mr. Stedman reported as follows:

Mr. Speaker:

Your Joint Committee, to whom were referred the proposition of Mr. T. C. Power, to build a steamboat on, and navigate the upper Missouri River, above the Great Falls, have met the committee appointed by the Council for a like purpose, have had the matter under consideration, and beg leave to report that the Joint Committee have instructed the chairman of the Joint Committee from the Council, to introduce a bill in that body, with the view of carrying into effect the said proposition.

The following message was received from the Council:

COUNCIL CHAMBER,
February 12, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the Council have instructed me to transmit the within petition, concerning skinning dead animals.

Kennerly introduced C. B. 43, "An Act to enable the county commissioners of Meagher county to erect county buildings."

Cardwell introduced C. B. 44, "An Act to promote navigation on the upper Missouri River."

Mitchell introduced C. B. 45, "An Act establishing boards of health, and prescribing their powers and duties."

The following bills have passed the Council, and are transmitted:

H. B. 28, with amendments.

H. B. 35, with amendments.

Substitute for C. B. 29.

C. B. 31.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Notices were given:

By Blake—"An Act concerning the official terms of road supervisors."

Also, "An Act concerning the changing of county seats."

Also, "An Act concerning community property."

By Kennerly—"An Act to authorize the counties of Chouteau, Meagher and Gallatin to build a wagon road."

C. B. 20, "An Act concerning vagrancy and vagrants," under a suspension of the rules, was read first and second times by title, and referred to the Judiciary Committee.

C. B. 31, "An Act to provide for additional penitentiary room," was read first and second times, and referred to Committee on Territorial Affairs.

C. B. 29, "An Act to provide compensation for the deputy clerks of the district courts of Beaverhead and Gallatin counties," was read first and second times, and referred to the Committee of the Whole.

On motion of Mr. Cullen, the Council amendments to H. B. 28, except "Section 7," were concurred in.

Mr. Blake moved to amend the amendment of the Council to Section 7, as follows: Insert, in lieu of "three hundred feet," the words "the space of ground covered by the right of way granted to the railroad company, provided that the same does not exceed one hundred feet on each side of the railroad track."

The motion prevailed, and the amendment, as amended, was concurred in.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bill 26, and find the same correctly enrolled.

Also as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bills numbered 12 and 13, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign C. Bs. 26, 13 and 12.

H. B. 6, being returned from the Council with amendments, Mr. DeWolfe moved to non-concur in Section 4 of the same.

Mr. Beach moved the previous question, and the call being seconded, the ayes and nays were demanded, when the motion to non-concur prevailed:

Ayes—Beach, Bell, Blake, Clem, Corbly, Cullen, Davis, DeWolfe, Houser, Kennerly, Parchen, Pardee, Powers and Rogers—14.

Nays—Chambers, Eastman, Garlock, Hanley, Harrington, Humber, Stedman, Wilson and Mr. Speaker—9.

Absent by leave—Sedman—1.

Mr. DeWolfe moved to non-concur in the remainder of the Council amendments to the bill, and that the Council be requested to recede; the motion prevailed.

On motion of Mr. Corbly, the House concurred in Council amendments to H. B. 24, and the bill was ordered enrolled.

On motion of Mr. Blake, the House concurred in Council amendments to H. B. 31, and the bill was ordered enrolled.

Mr. Blake moved that the House concur in the first Council amendment to H. B. 35, which motion was lost.

Mr. Blake moved that the House non-concur in the remaining amendment, and ask the Council to recede, which motion prevailed.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bills 23 and 11, and find the same correctly enrolled. The same are herewith presented to the presiding officer of this House for his signature.

Mr. Speaker announced that he was now about to sign C. Bs. 11 and 23.

Mr. Rogers moved to recall C. B. 29 from general orders, and refer to a Committee composed of members from Beaverhead and Gallatin counties.

Mr. Blake introduced H. B. 87, "An Act concerning the official terms of road supervisors," which was read first and second times, and referred to Committee on Roads and Highways.

Mr. Blake introduced H. B. 88, "An Act concerning the changing of county seats," which was read first and second times, and referred to the Committee on Towns and Counties.

Mr. Cullen introduced H. B. 89, "An Act to repeal Section 345, fifth division of the Revised Statutes," which was read first and second times; rules suspended; considered engrossed; read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Eastman, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Pardee, Powers, Stedman and Mr. Speaker—20.

Nays—None.

Absent—Humber, Rogers and Wilson—3.

Absent with leave—Sedman—1.

Title was amended to read "An Act in relation to sessions of county commissioners."

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
February 14th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Mr. Blake, of Madison, announced to the House the death of his colleague, Oscar A. Sedman.

IN MEMORIAM:

HON. OSCAR ALFRED SEDMAN.

Born March 9, 1838.

Died February 13, 1881.

House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
February 15th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journals of thirty-fourth and thirty-sixth days were read and approved.

The following resolutions, adopted in Joint Session of the two houses of the Montana Legislature, are, pursuant to the provision therein contained, spread at large on this the Journal of the 15th inst.

Whereas, Hon. Oscar Alfred Sedman, a member of the Council of the Eleventh Legislative Assembly, and of the House of Representatives of this Legislative Assembly, passed to the immortal life on the thirteenth day of the present month; Therefore, be it

Resolved, By the Council and House of Representatives in Joint Convention assembled:

First—That, by the death of Mr. Sedman, the people of the Territory have been deprived of the services of a faithful and upright legislator, and that Madison county has sustained the great loss of an efficient and high minded representative.

Second—That a Joint Committee, consisting of one member of the Council and one member of the House of Representatives, be appointed to accompany the remains of the deceased to Virginia city.

Third—That, as a further token of our respect for the memory of the deceased, the House of Representatives and Council do adjourn for this day.

Fourth—That the Clerks of the Council and House of Representatives are hereby directed to spread upon their Journals these resolutions, on the fifteenth instant, and that on the Journals of this day the following entry shall be made:

IN MEMORIAM:

HON. OSCAR ALFRED SEDMAN.

Born March 9, 1838.

Died February 13, 1881.

Fifth—That we hereby tender to the widow and children of our late associate the sympathy of all the members of this Convention in their hour of bereavement, and request the Clerk of the House to transmit to the widow of Mr. Sedman a copy of these resolutions.

Mr. Clem presented petition in regard to H. B. 6.
The following message was received from the Council:

COUNCIL CHAMBER,
February 12, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. B. 30 has passed the Council, and is transmitted.

C. B. 14 was lost.

H. B. 60 was lost, but is retained pending notice of motion to reconsider.

Browne introduced C. B. 46, "An Act to enable the citizens of Beaverhead county to vote on the proposition of changing the county seat and for other purposes."

The following bills have passed the Council, and are transmitted, to wit:

C. B. 33, C. B. 34, C. B. 39, C. B. 40 and C. B. 41.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

H. B. No. 30 was ordered enrolled.

Mr. Blake reported as follows:

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. No. 18, entitled "A bill for An Act to enable the county of Chouteau to erect a jail;" also H. B. No. 48, entitled "A bill for An Act concerning roads and highways;" also, H. B. No. 61, entitled "A bill for An Act concerning Sections 198, 199, 200, 201 and 202 of the Revised Statutes;" and H. B. No. 64, entitled "A bill for an Act concerning fences," beg leave to report that they have examined the same, and report the bills correctly engrossed.

The following majority and minority reports were received:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. No. 51, entitled "A bill for An Act relating to the fees of

jurors in civil cases in the courts of Montana Territory," beg leave to report that they have considered the same, and recommend that the bill do not pass.

CULLEN,
DEWOLFE,
GARLOCK.

Mr. Speaker:

A minority of your Committee on the Judiciary beg leave to report the accompanying bill as a substitute for H. B. No. 51, and recommend that the same do pass.

BLAKE,
CORBLY.

Mr. Beach moved to adopt the minority report.

Mr. DeWolfe moved to refer to the Committee of the Whole the bill and reports, which motion was lost.

The substitute was adopted, and, under a call for the previous question, the rules were suspended, the bill was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Clem, Corbly, Davis, Hanley, Humber, Kennerly, Parchen, Powers, Rogers, Stedman and Wilson—14.

Nays—Chambers, Cullen, DeWolfe, Garlock, Harrington, Houser, Pardee and Mr. Speaker—8.

Title agreed to.

The following message was received from the Council:

COUNCIL CHAMBER,
February 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Council recedes from its amendments to H. B. 6, and the bill is transmitted.

The Council has passed a resolution, concerning the consideration of future bills, a copy of which is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The resolution was as follows:

Resolved, That the Council will not consider any bills introduced after to-day. That the Chief Clerk be instructed to inform the House of the same.

HAYS.

Feb'y 15, A. D. 1881.

H. B. No. 6 was ordered enrolled.
Mr. Kennerly reported as follows:

Mr. Speaker:

Your Committee, to whom were referred Council Bill No. 24 have had the same under consideration, and respectfully report the same back without recommendation.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties have had under consideration House Bill 87, "An Act concerning the official terms of road supervisors;" and H. B. 88, "An Act concerning the changing of county seats," and report the same to the House, recommending their passage.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. Bs. Nos. 49 and 52, have had the same under consideration, and respectfully recommend that said bills be consolidated and amended, as proposed by amendments accompanying the bills, and, as so amended, recommend the passage of the same.

The report was adopted, and the bills referred to the Engrossment Committee.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee on Education and Labor, to whom were referred H. B. No. 78, have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that it be considered in Committee of the Whole.

The report was adopted, and the bill so referred.
Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred C. B. No. 8 and C. B. No. 20, have had the same under consideration, and believe that both bills should pass after being properly amended, but as both bills require considerable amendment, your committee

respectfully report them back to the House, and recommend that they be considered in Committee of the Whole.

The report was adopted, and the bills so referred.
Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred H. Bs. 8 and 23, having considered the same, respectfully report them back to the House with substitutes, and recommend that said substitutes be adopted and passed.

Mr. Blake moved to adopt the substitute for H. B. 8, which motion prevailed, and, under a suspension of the rules, the bill was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Stedman, Wilson and Mr. Speaker—20.

Nays—Cullen and Pardee—2.

Absent—Eastman—1.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that Council Bills 12, 13 and 26, and House Bills 12, 13 and 17, were presented to His Excellency the Governor, for approval, on the 14th day of February, 1881, at 9:25 a.m.

The substitute for H. B. 23 was adopted, and,

On motion Mr. Corbly, the rules were suspended, the bill considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Hanley, Harrington, Houser, Humber, Parchen, Rogers, Stedman, Wilson and Mr. Speaker—17.

Nays—Cullen, Garlock, Kennerly, Pardee and Powers—5.

Absent—Eastman—1.

Title agreed to.

Mr. Wilson reported as follows:

Mr. Speaker:

Your Committee on Federal Relations, to whom were referred House Joint Resolution No. 4, would respectfully report that they have had the same under consideration, and recommend it do pass.

Mr. Blake moved to suspend the rules, consider the resolution engrossed, and place it on final passage; pending which, House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Cullen moved a call of the House.

Roll called.

Absent—Beach, Blake, Davis, Eastman, Harrington, Houser, Humber, Kennerly and Parchen.

Sergeant-at-arms was directed to bring in absentees.

On motion of Mr. Corbly, further proceedings under the call were dispensed with.

The question pending being the suspension of the rules, the motion prevailed, and H. J. R. 4 was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Cullen, Garlock, Hanley, Parchen, Pardee, Powers, Stedman, Wilson and Mr. Speaker—12.

Nays—Chambers, Clem, Corbly, Davis, DeWolfe, Harrington, Houser, Humber, Kennerly and Rogers—10.

Title agreed to.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Committee on Printing have examined H. B. 80 and find it correctly printed.

The following reports were received:

Mr. Speaker:

Your Select Committee, to whom were referred House Bill 83, "A bill for An Act to provide compensation for, and to define the duties of certain county officers," have had the same under consideration, and a majority beg leave to report the same back, and recommend it do not pass.

EASTMAN,
HUMBER,
ROGERS,
CHAMBERS,
WILSON,
POWERS.

The minority report was as follows:

Mr. Speaker:

A minority of your Special Committee, to whom were referred House Bill 83, have had the same under consideration, and have agreed to certain amendments thereto, which they report back with the bill, with the recommendation that the bill, when so amended, do pass.

DEWOLFE,
CORBLY,
BEACH,
KENNERLY,
GARLOCK.

On motion of DeWolfe, the bill was placed on general orders. Mr. Corbly reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred substitute for C. B. No. 29, "An Act to provide compensation for deputy clerk of the district court of Beaverhead and Gallatin counties," beg leave to report as follows: We have had the same under consideration, and have agreed to report the accompanying amendments, and, as amended, recommend that the bill do pass.

The report was adopted, and the amendments ordered engrossed. The following message was received from the Council:

COUNCIL CHAMBER,
February 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Council concurred in House amendment to Council amendment to H. B. 28.

Council insists on Council amendment to H. B. 35.

H. B. 33 has passed the Council.

Substitute for H. B. 20 has passed the Council.

H. J. R. 3 has passed the Council.

H. B. 28, H. B. 35, H. B. 33, Substitute for H. B. 20 and H. J. R. 3 are transmitted:

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Cullen introduced H. J. R. 12, "Fixing time of adjournment," and moved its adoption. The ayes and nays were demanded, and the resolution prevailed by the following vote:

Ayes—Beach, Bell, Chambers, Clem, Cullen, DeWolfe, Garlock, Harrington, Houser, Parchen, Powers, Stedman and Mr. Speaker—13.

Nays—Blake, Corbly, Davis, Hanley, Humber, Kennerly, Pardee, Rogers and Wilson—9.

Absent—Eastman—1.

On motion of Mr. Cullen, leave of absence was granted Mr. Eastman to and including the 18th inst.

Mr. Garlock introduced H. B. 90, "An Act concerning the official bonds of county officers," which was read first and second times, and referred to the Judiciary Committee.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bill 18, and House Bills 6, 30, 31, 24 and 53, and find the same correctly enrolled. The same are herewith presented to the presiding officer of this House for his signature.

Mr. Speaker announced that he was now about to sign H. Bs. 30, 31, 53, 24, 6, and C. B. 18.

Mr. Kennerly introduced H. B. 91, "An Act to authorize the counties of Chouteau, Meagher and Gallatin to build a wagon road," which was read first and second times, and referred to members from Gallatin, Meagher and Chouteau counties.

Mr. Chambers introduced H. B. 92, "An Act to authorize the people of the town of Missoula to purchase land and erect a school-house," which was read first and second times, and referred to members representing Missoula county.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that Council Bills 11 and 23 were presented to His Excellency the Governor, for approval, at 12:10 p.m., on the 15th day of February, 1881.

H. J. M. No. 4, "Concerning Indian Reservation," was read first and second times, and, under a suspension of the rules, was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—22.

Nays—None.

Absent with leave—Eastman—1.

Title agreed to.

H. J. M. No. 5, "Concerning custom house at Ft. Benton," was read first and second times, and, under a suspension of the rules, was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Stedman—1.

Absent with leave—Eastman—1.

Title agreed to.

H. B. 28 was ordered enrolled.

Mr. Blake moved that the House insist on its non-concurrence in Council amendments to H. B. 35, and ask a Committee of Conference from the Council to confer with like committee from the House, which motion prevailed, and Mr. Speaker appointed as such committee on the part of the House, Messrs. Blake, Cullen and Garlock.

C. B. 34, "An Act to provide for the bonding of certain outstanding warrants of Missoula county," was read first and second times, and referred to Ways and Means Committee.

C. B. 41, "An Act concerning deputy clerks of the district court," was read first and second times, and referred to Judiciary Committee.

The following message was received:

COUNCIL CHAMBER,

February 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. B. 69 has passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

H. B. 69 was ordered enrolled.

C. B. 40, "An Act concerning marks and brands," was read first and second times, and referred to Committee on Grazing and Stock Growing.

C. B. 39, "An Act concerning the skinning of cattle and sheep found dead," was read first and second times, and referred to Committee on Grazing and Stock Growing.

C. B. 33, "An Act for the better protection of fish in the streams of Montana," was read first and second times, and referred to Committee on Territorial Affairs.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 87, entitled "A bill for An Act concerning the official terms of road supervisors," beg leave to report that they have examined the same and report the bill correctly engrossed.

H. B. 34, under a suspension of the rules, was read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Cullen, DeWolfe, Garlock, Houser, Kennerly, Parchen, Pardee, Powers, Stedman and Mr. Speaker—14.

Nays—Clem, Corbly, Davis, Hanley, Harrington, Humber, Rogers and Wilson—8.

Title agreed to.

H. B. 70, under a suspension of the rules, was read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—22.

Nays—None.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that Council Bill 18, and House Bills 6, 30, 53, 24 and 31, were presented to His Excellency the Governor, for approval, February 15, 1881, at 3:40 p.m.

H. B. 18 was read third time, and, by consent, Mr. Donnelly offered the amendment following: In Section 2, insert "eight per cent.," in lieu of "seven per cent.;" the amendment was adopted, engrossed in the presence of the House, and the bill passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—22.

Nays—None.

Title agreed to.

H. B. 63 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nay—Cullen—1.

Title agreed to.

H. B. 81 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—20.

Nay—Corbly—1.

Title was amended to read "An Act concerning property subject to taxation."

H. B. No. 75 was read third time, and passed by the following vote:

Ayes—Bell, Blake, Chambers, Cullen, Davis, DeWolfe, Hanley, Harrington, Humber, Kennerly, Parchen, Powers and Stedman—13.

Nays—Beach, Clem, Garlock, Houser, Pardee, Rogers and Wilson—7.

Title agreed to.

H. B. 86 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Cullen, Davis, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Stedman, Wilson and Mr. Speaker—19.

Nays—DeWolfe and Rogers—2.

Absent—Corbly—1.

Title agreed to.

Mr. Blake in the chair.

H. B. 68, on motion of Donnelly, was postponed and placed on general orders to be considered with H. B. 43.

H. B. 85 was read third time, and passed by the following vote:

Ayes—Beach, Blake, Corbly, Cullen, DeWolfe, Garlock, Hanley, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—15.

Nays—Bell, Chambers, Clem, Davis, Harrington and Houser—6.

Title agreed to.

H. B. 79 was read third time, and

Mr. Beach moved to indefinitely postpone, which motion was lost by the following vote:

Ayes—Beach, Chambers, Corbly, Cullen, DeWolfe, Garlock, Houser, Kennerly, Powers, Stedman and Wilson—11.

Nays—Bell, Blake, Clem, Davis, Hanley, Harrington, Humber, Parchen, Pardee, Rogers and Mr. Speaker—11.

The ayes and nays were called on its final passage, and the bill lost by the following vote:

Ayes—Bell, Blake, Clem, Davis, Hanley, Harrington, Humber, Parchen and Rogers—9.

Nays—Beach, Chambers, Cullen, DeWolfe, Eastman, Garlock, Houser, Kennerly, Pardee, Powers, Stedman and Wilson—12.

Absent—Corbly and Mr. Speaker—2.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment have examined House Bills 33 and 69, and respectfully report the same correctly enrolled; said bills are presented herewith for the signature of the Speaker.

On motion of Mr. DeWolfe, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
February 16th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the Council:

COUNCIL CHAMBER,
February 15, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. B 71 has passed the Council.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

The bill transmitted was ordered enrolled.

The following message was received from the Governor:

TERRITORY OF MONTANA,
Executive Department,
HELENA,

February 16, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that, on February 15, 1881, I approved H. B. No. 30, entitled "An Act to repeal an act entitled An Act to provide for the support of the Butte City Fire Department."

Also, H. B. No. 24, entitled "An Act concerning prairie fires."

Also, H. B. No. 53, entitled "An Act establishing the fees of the clerk of the supreme court."

Respectfully,

B. F. POTTS.

Also as follows:

TERRITORY OF MONTANA,
Executive Department,
HELENA,

February 15, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that on February 7, 1881, I approved H. B. No. 3, entitled "An Act to establish the rate of interest on territorial and county warrants."

Also, H. B. No. 9, entitled "An Act concerning cruelty to domestic animals."

Also, on February 14, 1881, H. B. No. 17, entitled "An Act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein."

Also, on same date, H. B. No. 13, entitled "An Act concerning insurance companies and agents."

Respectfully,

B. F. POTTS.

Mr. Speaker announced that he was now about to sign H. Bs. 33 and 69.

Mr. Kennerly was granted leave of absence for the day.

H. B. 48 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, Hanley, Harrington, Houser, Humber, Parchen, Powers, Stedman, Wilson and Mr. Speaker—16.

Nay—Cullen—1.

Absent—DeWolfe, Garlock, Kennerly, Eastman, Pardee and Rogers—6.

Title agreed to.

H. B. 61 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent with leave—Eastman and Kennerly—2.

Title was amended to read "An Act concerning interference with persons and property."

H. B. 88 was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—19.

Nays—None.

Absent—Corbly and Humber—2.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Joint Resolution 3, and House Bill 20, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. B. 20, and H. J. R. 3.

H. B. 87 was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, DeWolfe, Hanley, Harrington, Houser, Parchen, Pardee, Rogers, Stedman, Wilson and Mr. Speaker—17.

Nays—None.

Absent—Davis, Garlock, Humber and Powers—4.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

H. B. 64 was read third time, and passed as follows:

Ayes—Bell, Blake, Chambers, Cullen, Garlock, Hanley, Harrington, Humber, Parchen, Pardee, Stedman, Wilson and Mr. Speaker—13.

Nays—Beach, Clem, Corbly, Davis, DeWolfe, Houser, Powers and Rogers—7.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

Mr. Blake, by consent, introduced H. J. R. 5, "To pay certain expenses attending the burial of Hon. Oscar A. Sedman," which was read first and second times, and referred to the Judiciary Committee, with instructions.

C. B. 22, with House amendments, was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, Hanley, Harrington, Houser, Parchen, Pardee, Powers, Stedman, Wilson and Mr. Speaker—16.

Nays—Cullen, DeWolfe, Garlock, Humber and Rogers—5.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

C. B. 24 was read third time, and lost by the following vote:

Ayes—Bell, Blake, Chambers, Corbly, Davis, Houser and Stedman—7.

Nays—Beach, Clem, Cullen, DeWolfe, Garlock, Hanley, Harrington, Humber, Parchen, Pardee, Powers, Rogers, Wilson and Mr. Speaker—14.

Absent with leave—Eastman and Kennerly—2.

C. B. 17 was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

C. B. 19 was read third time, and, by consent,

Mr. DeWolfe moved to amend by striking out the word "and" before the word "precinct," and insert after the word "precinct" the words "and municipal;" the ayes and nays were called for, and the amendment was adopted by the following vote:

Ayes—Beach, Bell, Blake, Corbly, DeWolfe, Hanley, Harrington, Houser, Humber, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—15.

Nays—Chambers, Clem, Cullen, Davis, Garlock and Parchen—6.

Absent with leave—Eastman and Kennerly—2.

The bill was referred to the Engrossment Committee.

C. B. 36 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Clem, Corbly, Davis, DeWolfe, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Stedman, Wilson and Mr. Speaker—17.

Nays—Chambers, Cullen, Garlock and Rogers—4.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

C. B. 25 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman and Mr. Speaker—20.

Nays—None.

Absent—Wilson—1.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills 20, 33 and 69, and House Joint Resolution 3, were presented to His Excellency the Governor, for approval, at 11:25 a.m., February 16, 1881.

The following message was received from the Governor:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
HELENA,
February 16, 1881.

Hon. J. J. Donnelly, Speaker House of Representatives:

SIR:—I have the honor to return to the House of Representatives H. B. No. 12, entitled "An Act to repeal the Sections of the Revised Statutes relating to the sale of liquor to soldiers," without my approval.

A similar bill was passed at the Eleventh Session, and I sent to the Legislative Assembly the following objections to the bill, which were sustained:

"The Government of the United States has sent a portion of the army into Montana, and maintains the same here for the protection of her citizens from Indian depredations.

"I do not think that protection can be made effective by authorizing the sale of intoxicating liquor to soldiers, thereby destroying the discipline of the army and rendering it unable to afford the protection to our people that a wise and liberal government intends to extend to us.

"I regard it as a duty we owe to the government, as well as for our own protection, that we should, by every legitimate means in our power, aid and assist in preserving the discipline of the troops serving in the Territory.

"By authorizing the sale of liquor to soldiers, every military reservation in the Territory may be surrounded by whisky shops, and the troops demoralized by intoxication. The officers of the army, as well as the government, will thank the people of the Territory for any law that will prohibit the sale of intoxicating liquors to soldiers.

"It may be claimed that the law should be repealed because it is not strictly enforced; but that is no reason for its repeal. I am informed that the law has been enforced, and with good effect on the discipline of the army."

Time has not changed nor modified my views upon this subject, and I trust the bill will not become a law.

Respectfully,

B. F. POTTS,
Governor.

On motion of Mr. Blake, the motion by which H. B. 12 was passed was reconsidered, and,

The question being, Shall this bill pass, the objections of the Governor to the contrary notwithstanding? the question was postponed and made the special order for 2 p.m.

On motion of Mr. Blake, the House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee on the Judiciary, to whom were referred H. J. R. No. 5, entitled "House Joint Resolution to pay certain expenses attending the burial of Hon. Oscar A. Sedman," beg leave to report that they have considered the same, and submit herewith a substitute therefor, with the recommendation that it do pass.

The substitute was adopted, and, under a suspension of the rules, was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Humber, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—19.

Nays—None.

Absent—Clem and Houser—2.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

House proceeded to consider the special order for 2 p.m., being, the question, Shall H. B. 12 pass, the objections of the Governor to the contrary notwithstanding? and the ayes and nays being called, the following was the result:

Ayes—Bell, Blake, Chambers, Clem, DeWolfe, Hanley, Houser, Parchen, Powers, Rogers, Stedman and Mr. Speaker—12.

Nays—Beach, Corbly, Cullen, Davis, Garlock, Harrington, Humber, Pardee and Wilson—9.

Failing of a two-thirds vote, the bill was declared lost.
House went into Committee of the Whole on general orders—
Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
The following message was received from the Council:

COUNCIL CHAMBER,
February 16, 1881.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that the vote by which H. B. 23 passed the Council has been reconsidered, and ask that the bill be returned to the Council.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 16, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Messrs. Hays and Mitchell are appointed a Conference Committee on H. B. 35.

The following bills have passed the Council and are transmitted:

H. B. 40, with amendments.

H. B. 36, with amendments.

Substitute for C. B. 43.

H. B. 21, with amendments.

H. B. 8.

H. B. 23.

H. B. 39, with amendments.

C. B. 32.

C. B. 42.

H. B. 60 and H. B. 51 were lost in the Council, and are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
The following message was received:

COUNCIL CHAMBER,
February 16, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have passed the Council and are transmitted, to-wit:

C. B. 46.

H. B. 23, with amendments.

H. B. 22, with amendments.

That the Council has reconsidered the vote by which H. B. 51 was lost, and requests the House to return the same.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred C. B. No. 29, entitled "An Act to provide compensation for the deputy clerks of the district court of Beaverhead and Gallatin counties," and C. B. No. 19, entitled "An Act concerning the qualifications of electors," and the House amendments thereto, beg leave to report that they have examined the same, and report the amendments correctly engrossed.

Mr. Cullen moved to adjourn, which motion was lost.

On motion of Humber, House took recess until 7:30 p.m.

7:30 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Blake, the House concurred in Council amendments to H. B. 23, and the bill was ordered enrolled.

H. B. 15 was taken up, and,

On motion of Mr. Clem, the amendments reported by the Committee of the Whole were adopted, and the bill was referred to the Engrossment Committee.

On motion of Mr. Blake, the House concurred in Council amendments to H. B. 21, and the bill was ordered enrolled.

Mr. Garlock moved that the House non-concur in Council amendments to H. B. 36, and request the Council to recede, which motion prevailed.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 15, beg leave to report that they have examined the same, and report the bill correctly engrossed.

On motion of Mr. Clem, the rules were suspended, H. B. 15 was read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Clem, Corbly, Hanley, Harrington, Humber, Parchen, Pardee, Powers, Stedman, Wilson and Mr. Speaker—14.

Nays—Chambers, Davis, DeWolfe, Garlock, Houser and Rogers—6.

Absent—Cullen—1.

Absent with leave—Eastman and Kennerly—2.

Title agreed to.

House went into Committee of the Whole on general orders—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.

A call of the House was demanded.

Roll called.

Absent—Cullen, Rogers and Stedman.

On motion, further proceedings under the call were dispensed with.

On motion of Clem, the House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
February 17th, 1881.

House met pursuant to adjournment.

Roll called—quorum present.

Mr. Speaker being absent,

On motion, Mr. Blake was appointed Speaker *pro tem*.

Prayer by the Chaplain.

Journal of February 16, read and approved.

On motion of Mr. DeWolfe, the rules were suspended, and H. B. 93, "An Act in relation to the construction of the laws applicable to the county of Silver Bow," was introduced, read first time at length, and second and third times by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—21.

Nays—None.

Absent—Mr. Speaker—1.

Absent with leave—Eastman—1.

Title agreed to.

The following message was received:

HELENA,
February 17, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that on February 16, 1881, I approved H. B. No. 6, entitled "An Act to create the county of Silver Bow, and for the election of officers thereof."

Also, H. B. No. 20, entitled "An Act concerning new trials in criminal cases."

Also, H. B. No. 33, entitled "An Act concerning the jurisdiction of courts in criminal cases."

Also, H. J. R. No. 3, "Relating to memorial stone for the Washington Monument."

Respectfully,

B. F. POTTS,
Governor.

Mr. Stedman, by consent, introduced H. B. 94, "An Act to incorporate the town of Helena," which, under a suspension of the rules, was read first, second and third times by title, and passed by the following vote:

Ayes—Beach, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—Bell—1.

Title agreed to.

Mr. Blake reported as follows:

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. No. 14, entitled "An Act to provide for the funding of the outstanding indebtedness of Chouteau county, Montana Territory," beg leave to report that they have examined the same, and report the bill correctly engrossed.

Under a suspension of the rules, H. B. 14 was read third time by title, and, by consent,

Mr. Donnelly moved to fill blanks in the bill, by inserting "fifteen per cent.," which amendment was adopted, and being engrossed in the presence of the House, the bill was passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Corbly—1.

Title agreed to.

House went into Committee of the Whole on general orders—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that, with the clerical force at their disposal, it will not be possible to enroll House Bill 71 before the time fixed by resolution for the final adjournment of the Legislative Assembly.

Your committee have carefully examined the said bill as engrossed, and find the same in good condition, and would respectfully recommend that the House consider the same enrolled.

On motion of Mr. Blake, the rules were suspended, and H. B. 71 was considered enrolled:

Mr. Speaker announced that he was now about to sign H. B. 71.

House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.

The following message was received:

COUNCIL CHAMBER,
February 17, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Council adopted the report of the Committee of Conference on H. B. 35.

Council insists on its amendments [to H. B. 36], and requests the House to recede.

The following resolution has passed the Council: "*Resolved*, That the Council rescind the resolution offered by Mr. Hays, of Gallatin, on the 37th day, relative to the further introduction of

bills in the Council, and that the Chief Clerk be instructed to inform the House of the same."

Ford introduced C. B. 49, "An Act concerning the Helena and Benton Railroad."

Council refuses to concur in House amendments to C. B. 22, and requests the House to recede.

The following have passed the Council:

H. B. 81.

H. J. M. 4.

H. J. M. 5.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
The following message was received:

COUNCIL CHAMBER,
February 17, 1881.

Mr. Speaker:

I have the honor to inform you that C. J. R. 3, "For the relief of Jno. W. Eddy," has passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee of Conference, on the disagreeing votes of the two houses upon the Council amendments to House Bill 35, has met a like committee from the Council, and had a full conference as to said disagreement. Your committee would respectfully recommend:

First—That the Council amend its amendment to Section 1 of said bill by receding therefrom, and inserting in said section, after the word "thereto," on line fourteen, the words "or in case

any party is absent, an affidavit of those present, and of the agent or attorney of such absent party," and that, as so modified, the House concur in said amendment. Second—That the House do concur in the other amendments by the Council to said bill, and recede from its disagreement thereto.

The said Committee from the Council will report this action of the Conference to the Council.

The report was adopted.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills 8, 21 and 23, also Council Bills 17, 25 and 36, and find the same correctly enrolled.

Your committee also report that House Bill 71 was presented to His Excellency the Governor, for approval, on the 17th of February, 1881, at 2:40 p.m.

Mr. Speaker announced that he was now about to sign C. Bs. 36, 17 and 25, and H. Bs. 23, 8 and 21.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.
House took recess until 7 p.m.

7 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Harrington, leave of absence was granted to Mr. Blake for the day.

The following message was received:

COUNCIL CHAMBER,

February 17, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. C. R. 12 has been amended in the Council, and has passed with the amendments attached, and is transmitted.

Respectfully,

HARRY R. COMLY,

Chief Clerk.

Mr. DeWolfe moved that the House non-concur in the Council amendments to H. C. R. 12, which motion

Mr. Humber moved to amend by substituting that the House do concur. The amendment was lost, and,

The House non-concured, and requested the Council to recede.

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.

The following message was received:

COUNCIL CHAMBER,

February 17, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have passed the Council, and are transmitted, to-wit:

H. B. 45, as amended.

H. B. 89.

H. B. 58.

H. B. 72.

H. B. 46, as amended.

H. B. 62.

H. B. 67, as amended.

H. B. 16, as amended.

H. B. 66.

H. B. 38, as amended.

H. B. 76, as amended.

H. B. 88.

H. B. 37 was lost, and is transmitted.

H. B. 73 passed, and is retained under a notice to reconsider.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 17, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. B. 50, "An Act with reference to the office of sheriff of Deer Lodge county," has, under a suspension of the rules, passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

C. B. 50, transmitted as above, was read first and second times, and, under a suspension of the rules, was read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr Speaker—21.

Nays—None.

Title agreed to.

Harrington gave notice of "A bill to authorize Meagher county to levy a special road tax."

House went into Committee of the Whole—Mr. Cullen in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Cullen moved to reconsider the vote by which House non-concured in Council amendments to H. C. R. 12, which motion prevailed.

House concurred in the amendment.

Mr. DeWolfe reported as follows:

Mr. Speaker:

The Judiciary Committee, to whom were referred House Bill 80, have had the same under consideration, and report the same back to the House with an amendment to Section 1, with the recommendation that the bill, when amended, do pass.

The amendment was as follows: Amend Section 1 by adding at the end of the section the following words: "*Provided*., That in no case shall the officer receiving papers for service be required to serve the same unless the person in whose behalf the service is made, his agent or attorney, shall first pay the costs of service, upon a demand therefor by the officer."

The report was adopted, and the rules being suspended, the bill was read third time, and passed as follows:

Ayes—Beach, Bell, Chambers, Clem, Corbly, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Wilson and Mr. Speaker—19.

Nays—None.

Title agreed to.

On motion of Mr. Cullen, the House adjourned.

JOHN J. DONNELLY,

Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,

February 18th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration Council Bill 8, and have agreed to certain amendments thereto, and, when so amended, recommend that it do pass.

The report was adopted, and the amendment ordered engrossed. Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration Council Bill 10, and have agreed to a single amendment thereto, and, when so amended, recommend that it do pass.

The report was adopted, and, under a suspension of the rules, the amendment was considered engrossed, and the bill filed for a third reading.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred. C. B. No. 28, "An Act to amend Section 542, Chapter XXI of the General Election Laws," have had the same under consideration, and have instructed me to report the same back to the House, and respectfully recommend its passage.

Also as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. 68, and H. B. No. 78, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that they be indefinitely postponed.

The report as to H. B. 68 was adopted, and,
[On motion of Mr. Cullen], H. B. 78 was laid on the table.
The following report was received:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. 84, "An Act to amend Section 306 of the Criminal Practice Act;" also C. B. No. 15, "An Act to repeal an act concerning dower," have had the same under consideration, and respectfully report the same back to the House, and recommend that they do not pass.

CULLEN,
Chairman.

On motion of Mr. Cullen, the bills were indefinitely postponed.
Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred H. B. 59, "A bill for 'An Act in relation to liens,'" have had the same under consideration, and have instructed me to report the same back to the House, and recommend that it be committed to the Committee of the whole House.

The report was adopted, and the bill so referred.
The following report was received:

Mr. Speaker:

Your Committee on the Judiciary, to whom were referred House Bill 90, "Concerning the official bonds of county officers," beg leave to report that they have examined the same, and recommend that it do pass.

CULLEN,
Chairman.

Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee on Territorial Affairs, to whom were referred Council Bills 31 and 33, have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that they pass.

The committee have also had under consideration House Bill 54, and have agreed to report it back to the House, with the recommendation that it do not pass.

The following report was received:

Mr. Speaker:

Your Committee of the whole House, to whom were referred C. B. No. 20, "A bill for 'An Act concerning vagrancy and vagrants,'" have had the same under consideration, and have adopted certain amendments which accompany the bill, and, as so amended, they recommend its passage.

CULLEN,
Chairman.

Also the following:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. 43, "A bill for 'An Act to provide a system of common

schools," have had the same under consideration, and have adopted several amendments thereto, which accompany the bill, and, as so amended, respectfully recommend its passage.

CULLEN,
Chairman.

Mr. Bell moved to amend the amendment recommended by the committee by striking out, in Section 63, all after word "census," line four, to and including word "section," in line six, and the ayes and nays being demanded, the motion was lost as follows:

Ayes—Bell, Cullen, DeWolfe, Garlock, Parchen and Mr. Speaker—6.

Nays—Beach, Blake, Chambers, Corbly, Davis, Hanley, Harrington, Houser, Humber, Kennerly, Pardee, Powers, Rogers, Stedman and Wilson—15.

Absent—Clem—1.

The report was adopted.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred C. B. 21, "An Act for the relief of W. G. Barkley," together with the report of the Territorial Auditor in relation thereto, respectfully report the same back to the House, without recommendation or amendment.

Also as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred C. J. R. No. 1, "For the relief of Woolfolk, McQuaid & LaCroix," have considered the same, and, under authority of resolution of the House, have taken certain testimony relating to it, which is respectfully reported back with the bill, and without further recommendation.

On motion of Parchen, the resolution was referred to Committee of the Whole.

Mr. Humber reported as follows:

Mr. Speaker:

Your Committee to whom were referred Council Bill 40, respectfully report the same back, and recommend its passage.

Also as follows:

Mr. Speaker:

Your Committee to whom were referred Council Bill 39, have carefully considered the same, and respectfully report, and recommend that the amendment accompanying the bill be added to Section 1, and Section 2 be stricken out, and, so amended, recommend it do pass.

Report was adopted, and, under a suspension of the rules, the amendments were engrossed under direction of the House, the bill read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Clem—1.

Title agreed to.

On motion of Humber, the rules were suspended, and C. B. 40 was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Clem—1.

Title agreed to.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred Council Bill 34, have duly considered the same, and recommend that the amendments accompanying the bill be adopted, and that the bill, so amended, do pass.

Mr. Beach moved to adopt the report, and a division of the question being had, the amendments were severally adopted as far as Section 13 of the bill.

Mr. Clem was granted leave of absence for the day.

House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed.

Roll called—quorum present.

Mr. Speaker absent.

Mr. Cullen was appointed Speaker *pro tem*.

The amendments of Ways and Means Committee to Sections 13, 14, 15 and 16, of C. B. 34, were adopted and ordered engrossed.

Mr. Davis reported as follows:

Mr. Speaker:

Your Committee to whom were referred H. B. No. 92, "Authorizing the people of the town of Missoula to raise funds to build a schoolhouse," beg leave to report the same back with the recommendation that it do pass.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that Council Bills 17, 25 and 36, and House Bills 8, 21 and 23, were presented to His Excellency the Governor, for approval, at 10:40 a.m., February 18, 1881.

Also as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bill 66 and Council Bill 50, and find the same correctly enrolled.

On motion of Mr. Blake, the rules were suspended, H. B. 90 was considered engrossed, read third time by title, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Pardee, Powers, Stedman and Wilson—18.

Nays—None.

Absent—Clem, Humber, Rogers and Mr. Speaker—4.

Title agreed to.

Mr. Corbly moved to suspend the rules, and that H. B. 92 be read third time and placed on final passage, which motion was lost.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred C. B.

No. 20, entitled "A bill for An Act concerning vagrancy," and C. B. No. 8, "Relating to the smoking of opium," with the House amendments thereto, beg leave to report that they have examined the same and report the amendments correctly engrossed.

Also as follows:

Mr. Speaker:

Your Committee of Conference on H. B. No. 35, entitled "An Act concerning chattel mortgages," beg leave to offer a supplemental report, and recommend that there be added to Section 4 the following clause: "*Provided*, said time shall not exceed one year."

Report was adopted, and referred to the Enrollment Committee.

On motion of Mr. Garlock, the House concurred in Council amendments to H. B. 76, and the bill was ordered enrolled.

Mr. Speaker was granted leave of absence for the day.

Mr. Harrington moved that House concur in Council amendments to H. B. 40.

Mr. Beach moved to amend by substituting that House do not concur.

A call of the House was demanded.

Roll called.

Absent—Clem, Humber, Pardee and Rogers.

On motion of Mr. Corbly, further proceedings under the call were dispensed with.

Mr. Corbly moved to lay the bill and amendments on the table—motion prevailed.

H. B. 67 being returned from the Council with amendments,

Mr. DeWolfe moved to amend by inserting "Silver Bow," in lieu of "Deer Lodge," where it occurs; the amendment prevailed, and the Council amendments, as amended, were concurred in.

Mr. Beach moved that the House non-concur in Council amendments to H. B. 45, and request Council to recede, which motion prevailed.

House concurred in Council amendments to H. B. 16, and the bill was ordered enrolled.

On motion of DeWolfe, the House non-concurred in Council amendments to H. B. 22, and requested the Council to recede.

On motion of Corbly, the House concurred in Council amendments to H. B. 39, and the bill was ordered enrolled.

Mr. Garlock moved that the House insist on its non-concurrence in Council amendments to H. B. 36, and requests a Committee of Conference; the motion prevailed, and Mr. Speaker appointed as such committee on the part of the House, Messrs. Garlock, Chambers and Houser.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 65, entitled "A bill for An Act to provide for the compensation of Thomas H. Irvine, Jr.," beg leave to report that they have examined the same, and report the bill correctly engrossed.

On motion of Mr. Blake, House concurred in Council amendments to H. B. 46, and the bill was ordered enrolled.

[On motion of Mr. Humber, the House concurred in Council amendments to H. B. 38, and the bill was ordered enrolled.]

Mr. Blake moved that the House insist on its amendments to C. B. 22, and ask a Committee of Conference; the motion prevailed, and Mr. Speaker *pro tem.* appointed as such Committee on the part of the House, Messrs. Blake and Wilson.

Mr. Blake introduced H. B. 95, "An Act concerning the record of births, deaths and marriages," which was read first and second times, and referred to the Committee on Corporations.

Mr. Harrington introduced H. B. 96, "An Act to authorize Meagher county to levy a special road tax," which was read first and second times, and referred to members representing Meagher county.

Mr. DeWolfe introduced H. B. 97, "An Act for the election of public administrators," which was read first and second times, and, under suspension of the rules, was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Beach, Corbly, Cullen, Davis, DeWolfe, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Stedman and Wilson—14.

Nays—Blake, Chambers, Garlock, Hanley and Pardee—5.

Absent—Bell and Clem—2.

Title agreed to.

H. B. 92 was read third time, and passed as follows:

Ayes—Blake, Chambers, Cullen, Davis, Garlock, Hanley, Harrington, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—13.

Nays—Beach, DeWolfe, and Houser—3.

Absent—Bell, Clem, Corbly, Humber, Kennerly and Mr. Speaker—6.

Title agreed to.

The following message was received:

COUNCIL CHAMBER,

February 18, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the

motion to reconsider H. B. 73 was lost, and the bill is transmitted.

The following bills, in addition to H. B. 73, have passed the Council, and are transmitted, to wit:

C. B. 45, C. B. 30 and C. B. 35.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

C. B. 8, with House amendments, was read third time, and passed as follows:

Ayes—Beach, Blake, Chambers, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Parchen, Pardee, Powers, Rogers and Wilson—14.

Nays—None.

Absent—Bell, Clem, Corbly, Houser, Humber, Kennerly, Stedman and Mr. Speaker—8.

Title amended to read "An Act to prohibit the keeping of opium dens."

C. B. 31 was read third time, and passed as follows:

Ayes—Beach, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Hanley, Harrington, Parchen, Pardee, Powers, Rogers and Wilson—14.

Nays—None.

Absent—Bell, Clem, Garlock, Houser, Humber, Kennerly, Stedman and Mr. Speaker—8.

Title agreed to.

C. B. 33 was read third time, and passed as follows:

Ayes—Blake, Chambers, Corbly, Cullen, DeWolfe, Hanley, Parchen, Pardee, Powers, Rogers and Wilson—10.

Nays—Beach, Bell, Davis and Harrington—4.

Absent—Clem, Garlock, Houser, Humber, Kennerly, Stedman and Mr. Speaker—7.

Title agreed to.

C. B. 28 was read third time, and passed as follows:

Ayes—Beach, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Rogers and Wilson—10.

Nays—Bell, Blake, Chambers, Parchen, Pardee, Powers and Stedman—7.

Absent—Clem, Houser, Humber, Kennerly, and Mr. Speaker—5.

Title amended to read, "An Act providing for canvassing the votes for Delegate to Congress."

Under a suspension of the rules, C. B. 10 was read third time by title, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—17.

Nay—Houser—1.

Absent—Clem, Corbly, Humber and Mr. Speaker—4.

Title agreed to.

C. B. 19, with House amendments, being on final passage, was read for information, and passed as follows:

Ayes—Beach, Corbly, Davis, DeWolfe, Harrington, Houser, Parchen, Pardee, Rogers, Stedman and Wilson—11.

Nays—Bell, Blake, Chambers, Cullen, Garlock, Hanley, Humber, Kennerly and Powers—9.

Absent—Clem and Mr. Speaker—2.

Title agreed to.

C. B. 21, was read third time, and, on motion, filed on general orders.

C. B. 29, on motion of Mr. Rogers, was made special order for 2 p. m. to-morrow.

C. B. 20, with House amendments, was read third time by title, under a suspension of the rules, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman and Wilson—18.

Nays—Corbly and Kennerly—2.

Absent—Clem and Mr. Speaker—2.

Title was amended to read, "An Act concerning vagrancy."

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FORTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
February 19th, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Speaker announced that he was now about to sign H. B. 66 and C. B. No. 50.

The following message was received:

COUNCIL CHAMBER,

February 18, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have passed the Council and are transmitted:

H. B. 75, with amendments.

H. B. 18, with amendments.

H. J. R. 5, with amendments.

H. B. 93, with amendments.

H. B. 64, with amendments.

C. B. 44.

C. B. 49.

That H. B. 19 has been indefinitely postponed.

The supplemental report of the Committee of Conference on H. B. 35 has been adopted by the Council.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker :

Your Committee on Engrossment, to whom were referred H. B. No. 52, entitled a bill for "An Act to amend the code of civil procedure;" also, C. B. No. 34, entitled "An Act to provide for the bonding of certain outstanding warrants of Missoula county," and the House amendments thereto, beg leave to report that they have examined the same, and report said amendments correctly engrossed.

On motion of Mr. Blake, the rules were suspended, and H. B. 43 was considered engrossed, and filed for third reading.

Mr. Corbly reported as follows:

Mr. Speaker:

A majority of your Select Committee, to whom were referred H. B. No. 91, would respectfully report that they have had the same under consideration, and have agreed to report the same back with certain amendments accompanying the bill, and, as so amended, would recommend that the bill do pass.

The minority report was as follows:

Mr. Speaker:

A minority of your Select Committee, to whom were referred

H. B. 91, have considered said bill, and respectfully report the same back with a substitute, which they recommend be adopted, and that the same do pass.

Mr. DeWolfe in the chair.

Mr. Donnelly moved to recommit House Bill 91 to the Select Committee, which motion prevailed.

The following message was received:

HELENA,

February 19, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that on February 17, 1881, I approved H. B. No. 71, "An Act to provide for municipal corporations in the Territory of Montana."

Also, on February 18, 1881, H. B. No. 69, "An Act to establish the salary of district attorneys."

Respectfully,

B. F. POTTS,
Governor.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the whole House, to whom were referred H. B. No. 83, have had the same under consideration, and have adopted certain amendments thereto, and, as so amended, they recommend its passage.

The report was adopted.

Mr. Beach moved to amend the bill as follows:

"SEC. 15.—That it is hereby made the duty of the county commissioners of the several counties, at the regular sessions in the months of June and December in each year, to carefully examine the accounts and books of the officers mentioned in this act, and they shall have power, in their discretion, to employ a competent expert to assist in the examination, who shall be paid for his services while so employed, six dollars per diem, payable by warrant drawn on the general fund of the county."

The amendment was adopted, and the bill was ordered engrossed
Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that

they have examined Council Bills 35 and 81, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. Bs. 35 and 81.

Under a suspension of the rules C. B. 43 was read first and second times by title, and referred to members from Meagher county.

House went into Committee of the Whole on general orders—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.

House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Blake, the rules were suspended, H. B. 43 was read third time by title, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Davis, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Rogers and Wilson—15.

Nays—Cullen, DeWolfe, Kennerly, Powers, Stedman and Mr. Speaker—6.

Title agreed to.

The following communication was, on motion of Mr. Blake, directed to be spread at large upon the Journal:

Mr. Speaker and Gentlemen of the House:

I wish to vote "aye" on H. B. 43, upon its final passage, placing myself on record as an advocate of a system of public schools, giving an equitable benefit of the school fund to the children of parents struggling to keep the wolf from their doors. It will be sufficient honor for me, if my vote will be the means of removing an obstruction from the way of some poor child, wishing to qualify itself for the duties of life, to a higher standard than would otherwise have been attainable. It is in behalf of children of thinly settled portions of the Territory that I advocate.

this measure. Parents too poor to board their children at large school centres are the ones that need our aid, and I shall feel honored if I can be able to so cast my vote.

(Signed,)

CLEM.

Mr. DeWolfe moved H. C. R. 13, "To hire committee clerk," which was adopted by the House.

On motion of Mr. Donnelly, House concurred in Council amendments to H. B....., and the bill was ordered enrolled.

Mr. Powers reported as follows:

Mr. Speaker:

Your Special Committee, to whom were referred C. B. No. 43, a bill for "An Act to enable the county of Meagher to erect a court house and jail," have had the same under consideration, and report it back with amendments accompanying the bill, and, so amended, recommend that it do pass.

The report was adopted, and the amendments ordered engrossed.

C. B. 29, the special order for 2 p.m., was taken up, and

Mr. Beach moved to amend by inserting "five" in lieu of "seven," after "Beaverhead," which amendment was adopted.

Mr. Harrington moved to amend by striking out "two hundred and fifty," and insert "four hundred;" the amendment was adopted.

Mr. Rogers moved to strike out "four," after "Jefferson," and insert "three," which motion prevailed.

Mr. Corbly moved to strike out "eight," after "Gallatin," and insert "650.00," which motion prevailed, and the amendments were ordered engrossed.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment, to whom were referred House Bill 62, for enrollment, beg leave to report that it will not be possible, with the clerical assistance at their disposal, to enroll the same at this time. Your committee have examined the engrossed bill, and find the same in good condition; they would respectfully recommend that the engrossed bill be considered enrolled.

On motion of Parchen, the recommendation of the Enrollment Committee was adopted.

On motion of Mr. Blake, the rules were suspended, H. B. 52 was read third time by title, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly,

Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Clem and Eastman—2.

Title agreed to.

C. B. 34, with House amendments, under a suspension of the rules, was read third time by title, and passed as follows:

Ayes—Beach, Blake, Cullen, Davis, DeWolfe, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Rogers, Wilson and Mr. Speaker—14.

Nays—Bell, Chambers and Powers—3.

Absent—Clem, Corbly, Eastman, Garlock, Pardee and Stedman—6.

Title agreed to.

House went into Committee of the Whole—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills 35, 66 and 81, and Council Bill 50, were presented to His Excellency the Governor, for approval, at 2:15 p.m., February 19, 1881.

Also as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills 46, 73 and 88, and Council Bills 34 and 39, and find the same correctly enrolled.

Mr. Speaker announced that he was about to sign H. B. 62, C. B. 39, H. B. 46, H. B. 73 and H. B. 88.

A call of the House was demanded.

Roll called.

Absent—Hanley and Eastman.

On motion, further proceedings under the call were dispensed with.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bill 72, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. B. 72.

The following message was received:

COUNCIL CHAMBER,
February 19, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. B. 10, C. B. 33, C. B. 31 and C. B. 40 have been ordered enrolled.

Council concurred in House amendment to C. B. 39, and the bill was ordered enrolled.

Council has reconsidered the vote by which C. B. 46 passed the Council, and requests the House to return the bill.

Council refuses to concur in House amendments to C. B. 19.

Council concurred in House amendment to the title of C. B. 28, and the bill was ordered enrolled.

Messrs. Mitchell and Hays have been appointed a Committee of Conference on C. B. 22.

Council adheres to its amendments to H. B. 45.

Council insists on its amendments to H. B. 22, and has appointed Messrs. Mitchell and Aiken a Committee of Conference thereon.

Messrs. Hays and Hundley were appointed a Committee of Conference on H. B. 36.

Council concurs in House amendments to Council amendments to H. B. 67.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred C. B. No. 43, entitled "A bill for An Act to enable the county of Meagher to erect a court house and jail in said county," and the House amendments thereto, beg leave to report that they have examined the same, and report the amendments correctly engrossed.

On motion of Harrington, the rules were suspended, and C. B. 43 was read third time by title, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—20.

Nays—None.

Absent—Clem, Eastman and Hanley—3.

Title amended to read "An Act to enable the county of Meagher to erect a court house and jail."

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee of Conference on the part of the House, on C. B. No. 22, entitled "An Act concerning instructions to the jury," respectfully report that they have met a similar committee on the part of the Council, and that the said Council committee will recommend that the Council do concur in the House amendments to said bill, and will so report.

House went into Committee of the Whole—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.
The following message was received:

COUNCIL CHAMBER,
February 19, 1881.

Mr. Speaker:

I am instructed to inform your honorable body that Council has reconsidered the vote by which C. B. 49 passed the Council, and requests the House to return it.

C. B. 46 has passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

On motion, House took recess to 7 p.m.

7 O'CLOCK P.M.

House resumed—Mr. Speaker *pro tem.* in the chair.

Roll called—quorum present.

On leave, Mr. Donnelly introduced H. B. 98, "An Act to amend 'An Act to provide for municipal corporations in the Territory,'" which was read first and second times, and, under a suspension of the rules, was considered engrossed, read third time by title, and passed by the following vote:

Ayes—Bell, Blake, Chambers, Cullen, Davis, DeWolfe, Garlock, Harrington, Houser, Humber, Kennerly, Powers, Rogers, Stedman, Wilson and Mr. Speaker—16.

Nays—None.

Absent—Beach, Clem, Corbly, Eastman, Hanley, Parchen and Pardee—8.

Title agreed to.

The following message was received:

COUNCIL CHAMBER,
February 19, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have passed the Council:

H. B. 80.

H. B. 86.

H. B. 87.

H. B. 61.

H. B. 94.

H. B. 92.

These bills, with H. B. 97, are transmitted.

The Council have refused to consider H. B. 97, because it was introduced in contravention of the concurrent resolution concerning adjournment.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

On motion of Mr. DeWolfe, a committee consisting of DeWolfe and Rogers were appointed to confer with a like committee from the Council, in regard to the action of the Council in refusing to consider H. B. 97.

Mr. Beach was granted leave of absence for the day.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that House Bills 46, 62, 72, 73 and 88, and

Council Bills 34 and 39, were presented to His Excellency, the Governor, for approval, at 6 p.m., February 19, 1881.

Mr. Chambers reported as follows:

Mr. Speaker:

A majority of your Committee on Corporations, to whom were referred H. B. No. 95, entitled "A bill for An Act concerning the record of births, deaths and marriages," beg leave to report that they have considered the same, and recommend that it do pass.

Mr. Speaker in the chair.

On motion of Mr. Blake, leave of absence to and including the 21st inst. was granted Mr. Eastman, for duty on committee heretofore appointed pursuant to resolutions of joint convention of the two houses, as appears from the Journal of the thirty-seventh day.

On motion of Harrington, H. B. 40 was taken from the table, and,

On motion of Corbly, made special order for 10 a.m. on Monday.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Committee of Conference, on the disagreeing votes of the two houses, upon the amendments of the Council to House Bill 36, have met the confreres of the Council, and had full and free conference as to said disagreement. Your committee would respectfully recommend that the House concur in said amendments of the Council to said bill, and recede from its disagreement thereto. Their said confreres of the Council will report this action of the conference back to the Council.

Also as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills 16, 38, 58, 76, 36, 39 and 89, also, Council Bill 10, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. B's 76, 36, 38, 89, 58, 38 and 16, and C. B. 10.

Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration House Bill 59, and have agreed to certain amendments thereto, and when so amended, to recommend that it pass.

Also as follows:

Mr. Speaker:

The Committee of the whole House have had under consideration C. B. 21, and have agreed to an amendment to Section 1 of the Act, and when so amended, to recommend that it do pass.

The report was adopted, and the amendment ordered engrossed.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred C. B. 29, entitled "An Act to provide compensation for the deputy clerks of the district court of Beaverhead and Gallatin counties," and the House amendments thereto, beg leave to report that they have examined the same, and report the amendments correctly engrossed.

Under a suspension of the rules, C. B. 29, with House amendments, was read third time by title, and passed as follows:

Ayes—Bell, Blake, Chambers, Corbly, Davis, DeWolfe, Garlock, Harrington, Houser, Humber, Kennerly, Powers, Rogers, Stedman, Wilson and Mr. Speaker—16.

Nays—None.

Absent—Beach, Clem, Cullen, Eastman, Hanley, Parchen and Pardee—7.

Title was amended to read "An Act concerning the compensation of deputy clerks of district courts."

On motion of Mr. Garlock, the rules were suspended, H. B. 65 was read third time by title, and passed as follows:

Ayes—Bell, Blake, Chambers, Cullen, Davis, Garlock, Harrington, Kennerly, Powers, Rogers, Stedman, Wilson and Mr. Speaker—13.

Nay—Corbly—1.

Absent—Beach, Clem, DeWolfe, Eastman, Hanley, Houser, Humber, Parchen and Pardee—9.

Title agreed to.

On motion of Mr. Rogers, the rules were suspended, and C.

B. 46 was read first and second times by title, and referred to Committee on Towns and Counties.

Mr. Speaker appointed as Conference Committee on the part of the House, on H. B. 22, Messrs. DeWolfe and Houser.

On motion of Mr. Blake, H. B. 42, was taken up, and Mr. Harrington moved that it be indefinitely postponed, and the ayes and nays being demanded, the motion prevailed as follows:

Ayes—Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Harrington, Humber, Rogers and Mr. Speaker—10.

Nays—Bell, Blake, Houser, Kennerly, Parchen, Powers and Stedman—7.

Absent—Beach, Clem, Eastman, Hanley, Pardee and Wilson—6.

On motion of Mr. Blake, a Committee of Conference was appointed on H. B. 45; Mr. Speaker appointing as House members thereof, Messrs. Chambers, Blake, Cullen, Harrington and Wilson.

House took recess for 15 minutes.

8:45 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received:

COUNCIL CHAMBER,
February 19, 1881.

Mr. Speaker:

I am directed by the Council to inform the House, that it is the opinion of the Council that the House has no power to suspend the action of the concurrent resolution forbidding the introduction of bills after its passage by permitting bills to be introduced.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred C. B. No. 21, entitled "An Act for the relief of W. G. Barkley," and the House amendment thereto, beg leave to report that they have examined the same, and report the amendment correctly engrossed.

C. B. 21, with House amendments, under a suspension of the rules, was read third time by title, and passed by the following vote:

Ayes—Bell, Blake, Chambers, Davis, DeWolfe, Garlock, Harrington, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Stedman, Wilson and Mr. Speaker—16.

Nays—Corbly and Cullen—2.

Absent—Beach, Clem, Eastman, Hanley and Pardee—5.

Title agreed to.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
February 21st, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Mr. Beach was granted leave of absence for the day.

Journal of forty-first day was read and approved.

On motion of Corbly, the consideration of H. B. 40 was postponed to 10:30 a.m. to-morrow.

Mr. Speaker appointed Messrs. Blake and Eastman a Committee to select Stone for Washington Monument.

The following message was received:

COUNCIL CHAMBER,
February 19, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that the following bills have passed the Council, and are transmitted:

C. B. 38.

H. B. 85, with amendments.

H. B. 48, with amendments.

Council concurred in House amendments to C. B. 43, and the same were ordered enrolled.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred C. B. 46, have had the same under consideration, and report the same back to the House, recommending its passage.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred C. B. No. 41, "An Act concerning deputy clerks of the district court," have had the same under consideration, and have instructed me to report the accompanying substitute therefor, and respectfully recommend its passage.

The substitute was adopted, and,
On motion of Mr. Cullen, placed on general orders.
Mr. DeWolfe reported as follows:

Mr. Speaker:

The Committee of Conference on H. B. 22, appointed to confer with a like committee appointed by the Legislative Council, to consider the action of the House in its refusal to concur in the amendments thereto made in the Council, have had the same under consideration, and report that they have been unable to agree thereon.

C. J. R. 3, "For the relief of John W. Eddy," was read first and second times, and, under a suspension of the rules, was read third time by title, and passed as follows:

Ayes—Bell, Blake, Clem, Corbly, Cullen, Davis, DeWolfe, Hanley, Harrington, Houser, Humber, Powers, Rogers, Stedman, Wilson and Mr. Speaker—16.

Nays—None.

Absent—Beach, Chambers, Eastman, Garlock, Kennerly, Parchen and Pardee—7.

Title agreed to.

Mr. DeWolfe moved that the House insist on its amendment to C. B. 19, and ask a Committee of Conference; which motion

prevailed, and Mr. Speaker appointed as such committee on the part of the House, Messrs. DeWolfe, Blake and Cullen.

C. B. 42, "An Act in relation to jurors," was read first time. Mr. Cullen objected, and on the motion, shall the bill be rejected? the ayes and nays were called, and the motion was lost as follows:

Ayes—Cullen, Garlock, Hanley, Houser, Pardee, Rogers and Mr. Speaker—7.

Nays—Bell, Blake, Chambers, Clem, Corbly, Davis, Harrington, Humber, Kennerly, Parchen, Powers, Stedman and Wilson—13.

Excused—DeWolfe—1.

The bill was read second time, and,

Mr. Corbly moved to suspend the rules and place it on final passage; motion was lost; bill was referred to the Judiciary Committee, with instructions.

C. B. 38, "To apportion the members of the Legislative Assembly," was read first and second times, and

Mr. Blake offered a substitute bill, which,

On motion of Mr. DeWolfe, was referred, together with the bill, to a Select Committee, with instructions.

Mr. Speaker appointed as such committee, Messrs. Cullen, DeWolfe, Humber, Blake, Kennerly, Powers, Garlock, Chambers, Rogers, Corbly and Wilson.

Council amendments to H. B. 75 were concurred in, and the bill ordered enrolled.

C. B. 45, "An Act establishing boards of health and prescribing their powers and duties," was read first and second times, and referred to the Judiciary Committee.

C. B. 32, "An Act concerning probate courts," was read first and second times, and referred to the Judiciary Committee.

C. B. 44, "An Act to promote navigation on the Upper Missouri River," was read first and second times, and

Mr. Houser moved its indefinite postponement.

Mr. Cullen moved to refer to the Committee on Ways and Means; motion lost.

Mr. Cullen moved to amend the motion to indefinitely postpone by postponing to 11 a.m. to-morrow, and the ayes and nays being demanded, the motion carried as follows:

Ayes—Chambers, Corbly, Cullen, Garlock, Hanley, Humber, Kennerly, Parchen, Pardee, Stedman and Mr. Speaker—11.

Nays—Bell, Blake, Clem, Davis, DeWolfe, Harrington, Houser, Powers, Rogers and Wilson—10.

C. B. 35, "An Act to provide the manner of selecting jurors," was read first and second times, and referred to the Judiciary Committee.

Mr. Blake moved that House concur in Council amendments to H. B. 64.

Amended by DeWolfe that the House do not concur, and ask the Council to recede, which motion prevailed.

On motion of Mr. Stedman, the House concurred in Council amendments to H. B. 48, and the bill was ordered enrolled.

Council amendments to H. B. 93 were concurred in, and the bill was ordered enrolled.

House non-concurred in Council amendments to H. B. 85, and requested the Council to recede therefrom.

House concurred in Council amendments to H. J. R. 5, and the resolution was ordered enrolled.

Mr. Clem introduced H. J. M. No. 6, asking Congress to amend the Organic Act, so as to prohibit granting subsidies, which was read first and second times, and

Mr. DeWolfe moved to indefinitely postpone; the ayes and nays being demanded, the motion was lost as follows:

Ayes—Bell, Chambers, Corbly, Cullen, DeWolfe, Hanley, Humber, Parchen, Pardee and Stedman—10.

Nays—Blake, Davis, Garlock, Harrington, Houser, Kennerly, Powers, Rogers, Wilson and Mr. Speaker—10.

Absent—Beach, Clem and Eastman—3.

The Memorial was referred to the Committee on Towns and Counties.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills 18, 86, 51, 61, 67, 87 and 94, also, Council Bills 21, 28, 43, 40, 33, 31, 22, 8 and 20, and find the same correctly enrolled.

Your committee also report that Council Bill 10 and House Bills 39, 16, 76, 38, 36, 58 and 89 were presented to His Excellency the Governor, for approval, at 8 o'clock p.m., on the 19th day of February, 1881.

Mr. Speaker announced that he was about to sign H. Bs. 94, 18, 86, 61, 67, 87, 51, and C. Bs. 8, 28, 43, 40, 33, 31, 22, 20 and 21.

House took recess until 2:30 p.m.

2:30 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received from the Council:

COUNCIL CHAMBER,
February 21, 1881.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that Messrs. Mitchell, Hays, Browne, Cardwell, Ford and Aiken are appointed a Committee of Conference on H. B. 45.

That the Council refuses to consider H. B. 98, for the reason that the same has been introduced contrary to the provisions of H. C. R. 12, and the bill is returned.

Council concurs in House amendments to C. B. 21, and it has been ordered enrolled.

Messrs. Kerley and Aiken are appointed a Committee of Conference on H. B. 97.

Council concurs in H. C. R. 13.

Council refuses to consider H. B. 43, and it is returned pursuant to the following resolution:

"Whereas, House Bill No. 43 was sent to the Council full of erasures and interlineations, and without being engrossed, and

"Whereas, The interests of good legislation require certain exactness, and particularly in legislative proceedings as established by precedent and prescribed by rules,

Therefore, be it resolved by the Council, that it will not consider the said bill in its present form, and that the clerk be directed to return the same to the House of Representatives, together with a notice of the action of the Council in this behalf."

H. B. 34 has been indefinitely postponed in the Council and is transmitted.

H. B. 63 has passed, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Clem moved to refer H. B. 43 to the Engrossment Committee, which motion was lost.

The following message was received:

HELENA,
February 21st, 1881.

To the House of Representatives:

I have the honor to return to the House of Representatives H. B. No. 23, entitled "An Act in relation to license taxes," without my approval.

The reduction of the territorial levy will reduce the Territorial revenues to a low limit, when we consider the increase of Territorial expenditure made by this Legislative Assembly.

I fear the decrease of territorial revenues will increase the indebtedness of the Territory before your successors can provide a remedy.

I respectfully ask that you reconsider your action on this bill.

Respectfully,

B. F. POTTS,
Governor.

On motion of Mr. Blake, the vote by which H. B. 23 was passed was reconsidered, and the question being, Shall this bill pass, the objections of the Governor to the contrary notwithstanding? the bill was passed as follows:

Ayes—Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Houser, Humber, Parchen, Rogers, Stedman, Wilson and Mr. Speaker—16.

Nays—Clem, Harrington, Pardee and Powers—4.

Absent—Beach, Eastman and Kennerly—3.

Mr. Blake moved that the Council be requested to recede from its action in regard to H. B. 43, which motion prevailed.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 83, entitled "An Act to provide compensation for, and to define the duties of certain county officers," beg leave to report that they have examined the same, and report the bill correctly engrossed.

H. B. No. 83 was read third time, and passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Beach and Eastman—2.

Title agreed to.

C. B. 46 was read third time, and passed as follows:

Ayes—Bell, Chambers, Clem, Corbly, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Pardee, Powers and Mr. Speaker—15.

Nays—Blake, Cullen, Parchen, Rogers, Stedman and Wilson—6.

Absent—Beach and Eastman—2.

Title agreed to.

House went into Committee of the Whole—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.
The following message was received:

COUNCIL CHAMBER,
February 21, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that C. B. 49 has passed the Council, and is transmitted.

The Council requests the transmission of the objections of the Governor to H. B. 23. See Sec. 1842, page 2, laws of Eleventh Session.

Respectfully,
HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 21, 1881.

Mr. Speaker:

I am directed to return H. B. 23, and to request that the proper endorsements be made thereon, which it seems has been overlooked.

Respectfully,
HARRY R. COMLY,
Chief Clerk.

House went into Committee of the Whole—Mr. DeWolfe in the chair.

House resumed—Mr. Speaker in the chair.
Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that House Bills 86, 87, 51, 61, 67, 18 and 94, and Council Bills 8, 21, 22, 33, 40, 28, 36 and 43, were presented to His Excellency the Governor, for approval, at 3:06 p.m., February 21, 1881.

On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,

February 22d, 1881.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. B. No. 59, entitled "An Act in relation to liens," beg leave to report that they have examined the same, and find it correctly engrossed.

The following message was received:

COUNCIL CHAMBER,

February 21, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. B. 14 has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,

Chief Clerk.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred C. B. No. 32, "An Act concerning probate courts," have had the same under consideration, and have directed me to report the same back to the House, and recommend that it do not pass.

On motion, the bill was filed on general orders.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred Council Bill No. 45, "An Act establishing boards of health," have

had the same under consideration, and have directed me to report the same back to the House, and recommend that it do not pass.

The following majority and minority reports were received:

Mr. Speaker:

A majority of your Judiciary Committee, to whom were referred C. B. No. 42, "An Act in relation to jurors," have considered the same, and respectfully report the same back to the House, and are of opinion that it should not pass.

CULLEN,
GARLOCK,
DEWOLFE.

The minority report was as follows:

Mr. Speaker:

A minority of your Committee on the Judiciary, to whom were referred C. B. No. 42, entitled "An Act in relation to jurors," beg leave to report the same back to the House, and recommend it do pass.

BLAKE,
CORBLY.

Mr. Corbly moved to adopt the minority report, which motion prevailed.

Mr. Cullen reported as follows:

Mr. Speaker:

Your Committee of the Judiciary, to whom were referred C. B. No. 35, entitled "An Act to provide the manner of electing jurors," beg leave to report that they have examined the same, and report the bill back with amendments accompanying the bill, and, as so amended, recommend that the bill do pass.

Mr. DeWolfe in the chair.

The following reports were received:

Mr. Speaker:

A minority of your Select Committee, to whom were referred C. B. No. 38, entitled "An Act to apportion the members of the Legislative Assembly," beg leave to report that they have considered the same, and recommend that the substitute therefor, submitted herewith, do pass.

CHAMBERS,
BLAKE,
POWERS.

Mr. Speaker:

A majority of your Select Committee, to whom were referred C. B. 38, "An Act to apportion the members of the Legislative Assembly," have had the same under consideration, and are of opinion that the same should pass without alteration or amendment.

CULLEN,
KENNERLY,
HUMBER,
WILSON,
GARLOCK.

On motion of Mr. Cullen, the bill and substitute reported were referred to Committee of the Whole, and placed on general orders.

H. B. 40 was taken up, and,

Mr. Cullen moved the House concur in Council amendments thereto.

Humber moved to amend the amendments by striking out all after the word "provide," on second page of Council amendments, which motion was lost, and the ayes and nays being called on the question of concurrence, the motion was lost as follows:

Ayes—Corbly, Cullen, DeWolfe, Harrington, Kennerly, Powers, Stedman and Wilson—8.

Nays—Bell, Blake, Chambers, Clem, Davis, Hanley, Houser, Humber, Parchen and Rogers—10.

Absent—Beach, Eastman, Garlock, Pardee and Mr. Speaker—5.

On motion, the bill was indefinitely postponed.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bills 28, 80, 48, 63, 93 and House Joint Resolution 5, House Joint Memorial 5, and Council Bill 46, and find the same correctly enrolled.

The following message was received from the Governor:

HELENA,

February 22, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that on February 19, 1881, I approved H. B. No. 35, "An Act concerning chattel mortgages."

Also, H. B. No. 66, "An Act attaching Dawson county to Custer county for judicial and other purposes."

Also, H. B. No. 89, "An Act in relation to sessions of county commissioners."

Also, H. B. No. 38, "An Act exempting certain persons from jury duty."

Also, H. B. 58, "An Act to more effectually prevent the sale of liquor to Indians."

Also, H. B. 36, An Act concerning the term of office of county commissioners."

Also, on February 21, 1881, H. B. No. 51, "An Act concerning the fees of jurors in civil cases."

Also, H. B. No. 39, "An Act concerning road supervisors."

Also, H. B. No. 76, "An Act to provide for the funding of the outstanding indebtedness of Custer county."

Also, H. B. No. 67, "An Act to enable the people of Butte to build a schoolhouse."

Also, H. B. No. 16, "An Act to amend An Act for the protection of game, fur-bearing animals, and fish."

Also, "H. B. No. 72, "An Act to provide for the refunding of the outstanding ten per cent. bonds of Meagher county."

Respectfully,

B. F. POTTS,
Governor.

Mr. Harrington reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred H. B. 96, have had the same under consideration, and report the same back with the accompanying substitute, and recommend its adoption.

The substitute was adopted, and, under a suspension of the rules, was considered engrossed, read third time by title, and passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Powers, Rogers, Stedman and Wilson—18.

Nay—Mr. Speaker—1.

Absent—Beach, Eastman, Kennerly, and Pardee—4.

Title agreed to.

The following report was received:

Mr. Speaker:

A majority of the Committee of the whole House, to whom were referred Council Joint Resolution 1, have had the same under consideration, and have agreed to report the same back to the House, with the recommendation that it do not pass.

DEWOLFE,
Chairman.

On motion of Mr. Clem, Mr. Beach was granted leave of absence for the day.

On motion of Mr. Blake, the leave of absence heretofore granted Mr. Eastman, was extended to and including February 23d.

Mr. DeWolfe moved the adoption of the report of the Committee of the Whole on C. J. R. 1, and the ayes and nays being called, the motion was lost as follows:

Ayes—Bell, Blake, Corbly, Cullen, DeWolfe, Houser, Parchen, Powers and Stedman—10.

Nays—Chambers, Clem, Davis, Garlock, Hanley, Harrington, Humber, Rogers, Wilson and Mr. Speaker—10.

H. B. 14 was ordered enrolled.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred H. J. M. 6, have had the same under consideration, and report the same back, and recommend that it do pass.

Mr. Cullen moved H. C. R. No. 14, in regard to adjournment; upon a call for the ayes and nays, the resolution was lost as follows:

Ayes—Bell, Chambers, Cullen, DeWolfe, Garlock, Parchen and Powers—7.

Nays—Blake, Clem, Corbly, Davis, Hanley, Harrington, Houser, Humber, Pardee, Rogers, Stedman, Wilson and Mr. Speaker—13.

Absent—Kennerly—1.

C. B. 49, "An Act concerning the Helena and Benton R. R." was read first and second times, and referred to members from Lewis and Clarke, Meagher and Chouteau counties.

H. B. 59 was read third time, and passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Cullen, Davis, Hanley, Houser, Parchen, Pardee, Powers, Stedman and Mr. Speaker—13.

Nays—DeWolfe, Garlock, Harrington, Humber and Rogers—5.

Absent—Corbly, Kennerly and Wilson—3.

Title agreed to.

H. J. R. 6, to pay clerks, was read first and second times, and, under a suspension of the rules, was considered engrossed, read third time by title, and passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Parchen, Pardee, Powers, Rogers, Stedman and Mr. Speaker—19.

Nays—None.

Absent—Kennerly and Wilson—2.

Title agreed to.

C. B. 35, with House amendments, was read third time, and passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Hanley, Harrington, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—18.

Nays—None.

Absent—Cullen, Garlock and Houser—3.

Title agreed to.

C. B. 44, special order for 11:30, was taken up.

Mr. Cullen moved a call of the House.

Roll called.

Absent—Kennerly.

On motion of DeWolfe, further proceedings under the call were dispensed with.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Joint Resolution No. 3, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. B's 28, 80, 48, 63, 93, H. J. R. 5, C. B. 46, H. J. M. 5 and C. J. R. 3.

House took recess until 2 p.m.

2 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

The following message was received:

COUNCIL CHAMBER,

February 22, 1881.

Mr. Speaker:

I am by the Council instructed to inform your honorable body that Council has amended the House amendments to C. B. 29, and, as amended, the Council has concurred in House amendments. The bill is transmitted, amendments attached.

H. B. 23, on reconsideration, was lost in the Council, and it and the message of the Governor is transmitted.

Mr. President appointed Messrs. Hays and Mitchell a Committee of Conference on C. B. 19.

Council insists on its amendments to H. B. 85.

Council insists on its amendments to H. B. 64.

C. J. R. 3 was ordered enrolled.

H. J. R. 4 has passed the Council, and is transmitted.

H. B. 90 has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 22, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. J. R. 6, under a suspension of the rules, has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 22 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. B. 15 has passed the Council and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Chambers reported as follows:

Mr. Speaker:

Your Committee of Conference, on H. B. 45, "An Act to provide for the better observance of Sunday," beg leave to report that they have met a like committee from the Council, and have agreed to report the bill back, recommending that the Council amendments be concurred in.

Mr. Parchen moved the indefinite postponement of the question of concurrence, which motion prevailed.

Mr. Humber moved to indefinitely postpone C. B. 44.

A call of the House was moved.

Roll called.

Absent—DeWolfe and Kennerly.

Sergeant-at-arms reported absentee in his seat.

Further proceedings under the call were dispensed with, and the ayes and nays being called, the bill was indefinitely postponed by the following vote:

Ayes—Bell, Blake, Clem, Corbly, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Powers, Rogers and Wilson—14.

Nays—Beach, Chambers, Cullen, Parchen, Pardee, Stedman and Mr. Speaker—7.

Mr. Clem moved to reconsider the vote on postponement of C. B. 44, which motion was,

On motion of Mr. Blake, laid on the table.

On motion of Mr. Blake, House concurred in Council amendments to H. C. R. 13, and the resolution was ordered enrolled.

C. B. 45, on motion of Mr. Blake, was indefinitely postponed.

C. B. 42 was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, Hanley, Harrington, Parchen, Powers, Stedman and Wilson—13.

Nays—Cullen, DeWolfe, Garlock, Houser, Rogers and Mr. Speaker—6.

Absent—Humber, Kennerly and Pardee—3.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that House Bills 75 and 92 have been examined and found correctly enrolled; also, that House Bills 48, 80, 63, 28 and 93, and Council Bill 46, and House Joint Resolution No. 5, were presented to His Excellency the Governor, for approval, at 2:30 p.m., February 22, 1881.

Mr. Speaker announced that he was now about to sign H. Bs. 75 and 92.

C. J. R. No. 1 was read third time, and lost as follows:

Ayes—Chambers, Clem, Garlock, Hanley, Harrington, Humber, Rogers, Wilson and Mr. Speaker—9.

Nays—Beach, Bell, Blake, Corbly, Cullen, Davis, DeWolfe, Houser, Parchen, Pardee, Powers and Stedman—12.

Absent—Kennerly—1.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Joint Resolution 6, and respectfully report the same correctly enrolled.

On motion of Mr. Garlock, the House reconsidered the vote by which Council amendments to H. B. 64 were non-concurred in, and the question being on the motion to concur, the motion was lost as follows:

Ayes—Blake, Davis, Garlock, Harrington, Parchen, Pardee Stedman and Mr. Speaker—8.

Nays—Beach, Bell, Chambers, Clem, Corbly, DeWolfe, Hanley, Houser, Powers, Rogers and Wilson—11.

Mr. Blake moved a Committee of Conference on the disagreement of the two houses on amendments to H. B. 64, which motion prevailed, and Mr. Speaker appointed as such committee on the part of the House, Messrs. Blake and Garlock.

Mr. Rogers moved that House concur in Council amendments to House amendments to C. B. 29; a division of the question being had, the House concurred in the first amendment of the Council, and non-concurred in the second amendment, and requested a Committee of Conference, Mr. Speaker appointing as such committee on the part of the House, Messrs. Rogers and Davis.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bill 14, Council Bill 19 and House Joint Resolution 4, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. J. R. 6, H. J. R. 4, C. B. 19 and H. B. 14.

House took recess to 7 p.m.

7 O'CLOCK P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Blake in the chair.

The following message was received:

COUNCIL CHAMBER,

February 22, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Council has concurred in House amendments to C. B. 19, and the bill was ordered enrolled.

H. B. 52 has passed, and is transmitted.

H. B. 65 has passed, and is transmitted.

H. B. 96 has passed with amendments, and is transmitted.

Council concurred in House amendments to C. B. 35, and the bill was ordered enrolled.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Donnelly, from Select Committee, reported as follows:

Mr. Speaker:

Your Select Committee, to whom were referred C. B. No. 49, "An Act concerning the Helena and Benton Railroad," have had the same under consideration, and have agreed to a substitute therefor, which accompanies the bill, and they respectfully recommend the passage of the substitute.

DONNELLY,
PARCHEN,
STEDMAN,
CULLEN.

The substitute was rejected.

Mr. Donnelly moved a suspension of the rules and that C. B. 49 be placed on final passage; the motion prevailed.

The bill was read third time, and passed by the following vote:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Wilson and Mr. Speaker—20.

Nays—None.

Absent—Cullen and Stedman—2.

Title agreed to.

Mr. Beach introduced H. J. R. 7, which was read first and second times, and referred to Ways and Means Committee, with instructions.

On motion of Mr. Harrington, House concurred in Council amendments to H. B. 96, and the bill was ordered enrolled.

House went into Committee of the Whole—Mr. Corbly in the chair.

House resumed—Mr. Speaker in the chair.

Mr. Beach reported as follows:

Mr. Speaker:

Your Committee on Ways and Means, to whom were referred House Concurrent Resolution No. 7, would respectfully report they have considered the same, and respectfully recommend the adoption of the accompanying amendment, and as amended, do pass.

Report was adopted, and the resolution ordered engrossed.
On motion, House adjourned.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,

February 23d, 1881.

House met pursuant to adjournment.

Roll called—quorum present.

Mr. Cullen was appointed Speaker *pro tem.*

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Corbly reported as follows:

Mr. Speaker:

Your Committee of the whole House have had under consideration C. B. 32, and have instructed me to report the same back with amendments, and as amended, recommend that it do pass.

Mr. Beach moved a substitute, which was adopted and ordered engrossed.

Mr. Corbly reported as follows:

Mr. Speaker:

Your Committee of the whole House have had under consideration C. B. 41, and have instructed me to report the same back with the amendments accompanying the bill, and as amended, recommend that it do pass.

The amendments were adopted, and, being engrossed in the presence of the House, the rules were suspended, and the bill with amendments attached, passed as follows:

Ayes—Beach, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Hanley, Houser, Humber, Kennerly, Parchen, Powers, Rogers, Stedman and Mr. Speaker—17.

Nays—Garlock, Harrington and Wilson—3.

Title was amended to read "An Act concerning clerks of district courts."

Mr. Corbly reported as follows:

Mr. Speaker:

Your Committee of the whole House have had under consideration C. B. 38, and have instructed me to report the same back, recommending its passage.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that they have examined House Bills 65 and 90, and Council Bill 35, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. B. 90, H. B. 65 and C. B. 35.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. J. R. No. 7, "for the relief of Woolfolk, McQuaid & LaCroix," beg leave to report that they have examined the same, and report the resolution correctly engrossed.

Under suspension of the rules, the resolution was read third time by title, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Stedman, Wilson and Mr. Speaker—21.

Nays—None.

Absent—Rogers—1.

Title agreed to.

Mr. Clem reported as follows:

Mr. Speaker:

Your Committee on Towns and Counties, to whom were referred

H. J. M. 6, report the same with amendments, and as amended, recommend that it do pass.

Report adopted and memorial ordered engrossed.
Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bill 96, and find the same correctly enrolled.

Mr. Speaker announced that he was now about to sign H. B. 96.

The following message was received:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that Mr. President appointed Messrs. Ford and Browne a Conference Committee on C. B. 29, also, Messrs. Hays and Browne on H. B. 64.

Mr. President has appointed W. W. Morris the committee contemplated by H. J. R. 3.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

On motion of Mr. Corbly, the rules were suspended, C. B. 38 was read third time by title, and passed as follows:

Ayes—Beach, Chambers, Clem, Corbly, Cullen, Davis, Garlock, Hanley, Harrington, Houser, Humher, Kennerly and Rogers—13.

Nays—Bell, Blake, Parchen, Pardee, Powers, Wilson and Mr. Speaker—7.

Absent—DeWolfe and Stedman—2.

Title agreed to.

Mr. Rogers reported as follows:

Mr. Speaker:

Your Committee of Conference, on the disagreement of the two Houses on Council amendment to House amendment to Council Bill No. 29, have had the same under consideration, and report the same back to the House, with the recommendation that House concur in Council amendments.

The report was adopted.
Mr. Blake reported as follows:

Mr. Speaker:

Your Committee on Engrossment, to whom were referred H. J. M. No. 6, beg leave to report that they have examined the same, and report the same correctly engrossed.

Mr. Pardee introduced H. J. R. 8, "Concerning distribution of the laws," which was read first and second times, and

Mr. DeWolfe moved to amend by inserting the words "one copy" in lieu of "two copies;" amendment adopted, and being engrossed, in the presence of the House, the rules were suspended, read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Kennerly, Parchen, Pardee, Powers, Rogers, Wilson and Mr. Speaker—19.

Nays—None.

Absent—Clem, Humber and Stedman—3.

Title agreed to.

Mr. Blake reported as follows:

Mr. Speaker :

Your Committee on Engrossment, to whom were referred C. B. No. 32, and House substitute therefor, beg leave to report that they have examined the same, and report the same correctly engrossed.

Under suspension of the rules, the substitute for C. B. 32 was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Garlock, Hanley, Houser, Humber, Parchen, Powers and Wilson—16.

Nays—Kennerly and Mr. Speaker—2.

Absent—Harrington, Pardee, Rogers and Stedman—4.

Title agreed to.

House concurred in Council amendments to H. B. 85, and the bill was ordered enrolled.

H. J. M. 6, under suspension of the rules, was read third time by title, and passed as follows:

Ayes—Bell, Blake, Clem, Davis, DeWolfe, Houser, Humber, Kennerly, Powers, Rogers, Wilson and Mr. Speaker—12.

Nays—Beach, Chambers, Cullen, Garlock, Hanley, Harrington, Parchen, Pardee and Stedman—8.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined Council Bill 49, and House Bill 15, and find the same correctly enrolled.

Mr. Blake reported as follows:

Mr. Speaker:

Your Committee of Conference on the disagreeing votes of the two houses upon the amendment of the Council to House Bill 64, have met their confreres of the Council, and had a full conference as to said disagreement. Your committee would respectfully recommend that the said amendment of the Council be amended to read as follows:

["SEC. 10.—That any person who shall, knowingly, wilfully, and maliciously, leave open any gate leading into or out of any enclosed premises, whether enclosed by a lawful fence or not, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment."]

[And that, as so amended, the House concur in the same.]

BLAKE,
GARLOCK,
House Committee.

Report was adopted, and bill ordered enrolled.
The following message was received:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I am instructed to inform your honorable body that C. J. R. 4 and H. B. 59 have passed the Council and are transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

On motion of Harrington, House took recess until 2 p.m.

2 P.M.

House resumed—Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Beach, the vote by which C. B. 32 passed the House was reconsidered, and bill recalled from Council.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment have the honor to report that they have examined Council Bills 38 and 42, House Bills 52 and 85, and House Joint Memorial 4, and find the same correctly enrolled.

Your committee would further report that they presented to His Excellency the Governor, for approval, at 11:45 a.m., February 23, 1881, House Bills 14, 65, 75, 90, 92 and 96, Council Bills 19 and 35, and House Joint Resolutions 4 and 6, and at 1:35 p.m., of the same day, Council Bill 45, and House Bill 15.

The following message was received:

COUNCIL CHAMBER,
February 23, 1881:

Mr. Speaker:

I am instructed to inform your honorable body that the Council refuses to concur in House substitute for C. B. 41, and requests the House to recede.

That C. B. 32, with the two House substitutes, has been laid on the table.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment beg leave to report that they have examined House Bill 64, and find the same correctly enrolled.

Mr. Speaker announced that he was about to sign H. Bs. 15, 52, 85, 64, and H. J. M. 4.

H. J. R. 9 was read first and second times, and referred to Judiciary Committee.

The following message was received:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I am instructed to inform your honorable body that Council adheres to its action on H. B. 97.

In pursuance of request of House, C. B. 32 and substitutes are hereby returned to the House.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

On motion of Mr. Beach, the rules were suspended, and House substitute for C. B. 32 was passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Corbly, Cullen, Davis, DeWolfe, Hanley, Harrington, Houser, Humber, Parchen, Powers and Rogers—15.

Nays—Clem, Garlock, Kennerly, Pardee and Mr. Speaker—5.

Absent—Stedman and Wilson—2.

Title agreed to.

Under a suspension of the rules, H. J. R. 10 was read third time, and passed as follows:

Ayes—Bell, Blake, Chambers, Clem, Cullen, Davis, DeWolfe, Garlock, Hanley, Harrington, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Wilson and Mr. Speaker—19.

Nays—Beach and Corbly—2.

Absent—Stedman—1.

Title agreed to.

Mr. Garlock reported as follows:

Mr. Speaker:

I have the honor to report, on behalf of your Joint Committee on Enrollment, that Council Bill 29 has been examined and found correctly enrolled; also, H. B. 59; and that H. Bs. 52, 64 and 85, and C. Bs. 29, 38 and 42, were presented to the Governor, at 3:05 p.m., February 23, 1881.

The following message was received:

HELENA,

February 23, 1881.

To the House of Representatives:

I have the honor to inform the House of Representatives that on February 22, 1881, I approved H. B. No. 81, "An Act concerning property subject to taxation."

Also, H. B. No. 18, "A bill for An Act to enable the county of Chouteau to erect a jail."

Also, H. B. No. 62, "A bill for An Act to provide for the redemption of the funded debt of Lewis and Clarke county."

Also, H. B. No. 87, "An Act concerning the official terms of road supervisors."

Also, H. B. No. 94, "An Act to incorporate the city of Helena."

Also, H. B. No. 80, "An Act defining the duties of clerks of courts and sheriffs in certain cases."

Also, H. B. No. 86, "An Act concerning corporations."

Also, H. J. R. No. 5, "To pay expenses attending the burial of Hon. Oscar A. Sedman."

Also, H. B. No. 48, "An Act concerning roads and highways."

Also, H. B. No. 93, "An Act in relation to the construction of laws applicable to the county of Silver Bow."

Also, on February 23, H. B. No. 65, "An Act to provide for the compensation of Thomas H. Irvine, Jr."

Also, H. B. No. 90, "An Act concerning the official bonds of county officers."

Also, H. B. No. 14, "An Act to provide for the funding of the outstanding indebtedness of Chouteau county, Montana Territory."

Also, H. B. No. 96, "An Act to authorize the county of Meagher to build a wagon road."

Also, H. B. No. 15, "An Act to establish a series of text books for the public schools."

Also, H. B. No. 75, "An Act relating to territorial officers."

Also, H. J. R. No. 4, "Appropriating money for expenses in representing resources of Montana, at United States International Exhibition."

Also, H. J. R. No. 6, "To pay clerks."

Respectfully,

B. F. POTTS,
Governor.

Mr. Blake moved the following, which was unanimously adopted:

Resolved, That the thanks of this House are hereby tendered to Hon. John J. Donnelly, Speaker of the House of Representatives, for the urbanity, impartiality and fidelity exhibited by him throughout the session, in the discharge of his important duties.

Mr. Pardee moved the following, which was adopted:

Resolved, That the House express its thanks to its Chief Clerk, James E. Kanouse, and the other officers of this House for the faithful manner in which they have performed their duties; and that the Speaker be requested to sign a copy of this resolution, and present the same to each subordinate officer of the House of Representatives at its present session.

The following message was received:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I have the honor to transmit H. B. 97, in its action concerning which, Council adheres.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I am instructed to inform the House that H. J. R. 10 has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Mr. Garlock reported as follows:

Mr. Speaker:

Your Joint Committee on Enrollment report that they have examined H. J. R. 10, and find same correctly enrolled.

Under a suspension of the rules, H. J. R. 9 was read third time, and passed as follows:

Ayes—Beach, Bell, Blake, Chambers, Clem, Corbly, Cullen, Davis, DeWolfe, Hanley, Houser, Humber, Kennerly, Parchen, Pardee, Powers, Rogers, Stedman, Wilson and Mr. Speaker—20.

Nay—Garlock—1.

Title agreed to.

Mr. Speaker announced that he was now about to sign H. J. R. 10.

The following message was received from the Council:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I have the honor to inform the House that H. J. R. No. 8,

under a suspension of the rules, has passed the Council, and is transmitted.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Also the following:

COUNCIL CHAMBER,
February 23, 1881.

Mr. Speaker:

I have the honor to inform your honorable body that H. J. M. 6 has passed the Council with amendments attached.

Respectfully,

HARRY R. COMLY,
Chief Clerk.

Journal approved to this writing.

The hour of 4 p. m. having arrived, the gavel fell, and Mr. Speaker declared the House of Representatives of the Twelfth Session of the Legislative Assembly of Montana adjourned without day.

JOHN J. DONNELLY,
Speaker.

Attest: JAS. E. KANOUSE,
Chief Clerk.

OFFICE OF THE SECRETARY OF MONTANA,

HELENA, M. T.,

April 18th, 1881.

I, James H. Mills, Secretary of the Territory of Montana, do hereby certify that the foregoing Journal of the House of Representatives, during the Regular Session of the Twelfth Legislative Assembly of the Territory of Montana, is a full and correct copy of the original Journal deposited in this office. Omissions in the Record transcript are inserted in brackets.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the Territory of Montana, this eighteenth day of April A. D., 1881.

[SEAL.]

JAMES H. MILLS,

Secretary of Montana.